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HOUSE JOURNAL

OF THE

Eighteenth

Legislative Assembly

OF THE

STATE OF MONTANA

---

Held at Helena, the Seat of Government of said State, commencing  
January 1, 1923 and ending  
March 1, 1923

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# OFFICERS AND MEMBERS

OF THE

## 18th Legislative Assembly of the State of Montana

Governor JOS. M. DIXON

Lieutenant Governor and President of the Senate, NELSON STORY, Jr.

Speaker of the House, CALVIN CRUMBAKER

### HOUSE OF REPRESENTATIVES

NAME	Residence	County	Politics
Andrews, John T. ....	Butte	Silver Bow	Democrat
Andrus, W. W. ....	Miles City	Custer	Republican
Armstrong, Bert	Livingston	Park	Democrat
Arnold, W. P. ....	Richey	Dawson	Republican
Baker, Frank	Chester	Liberty	Republican
Benedict, Joseph	Billings	Yellowstone	Democrat
Bergstrom, Theo.	Willard	Fallon	Democrat
Bernard, P. N. ....	Kalispell	Flathead	Republican
Berryman, John J.	Billings	Yellowstone	Republican
Bohling, John B.	Dutton	Teton	Republican
Boorman, Carl E.	Great Falls	Cascade	Republican
Bosley, G. A.	Great Falls	Cascade	Democrat
Brandjord, I. M.	Ronan	Missoula	Democrat
Bray, Robert A.	Big Timber	Sweet Grass	Republican
Bricker, R. C.	Windham	Judith Basin	Republican
Buchanan, Frank Jr.	Hesper	Yellowstone	Republican
Buell, H. S.	Bozeman	Gallatin	Republican
Burke, D. J.	Lewistown	Fergus	Democrat
Buttelman, Wm. H.	Willow Creek	Gallatin	Democrat
Cady, William M.	Libby	Lincoln	Republican
Caplis, Jno. J.	Butte	Silver Bow	Democrat
Carlson, Barney E.	Prairie Elk	McCone	Republican
Carlson, C. E.	Bozeman	Gallatin	Democrat
Cavanaugh, P. J.	Butte	Silver Bow	Democrat
Clarke, Walter E.	Forsyth	Rosebud	Republican
Cowley, Stephen J.	Great Falls	Cascade	Democrat
Cronk, John C.	Coburg	Blaine	Republican
Crum-baker, Calvin	Fort Benton	Chouteau	Republican
Davis, G. T.	Carlyle	Wibaux	Republican
Davis, O. P.	Lewistown	Fergus	Democrat
Dean, William	Livingston	Park	Republican
Dell, Wm.	Luther	Carbon	Democrat
Denny, I. G.	Butte	Silver Bow	Democrat
Duffy, James L.	Havre	Hill	Democrat
Elliott, Charles H.	Missoula	Missoula	Democrat
English, M. J.	Butte	Silver Bow	Democrat
Facey, Florence Kerr	Malta	Phillips	Republican
Flynn, W. P.	Miles City	Custer	Republican
Fulsher, Dr. Fred R.	Saltese	Mineral	Democrat
Gillette, F. B.	Hinsdale	Valley	Republican
Gillin, John L., Jr.	Sand Coulee	Cascade	Democrat
Goodman, E. H.	Townsend	Broadwater	Democrat
Gullidge, A. O.	Terry	Prairie	Republican
Hamilton, Mrs. W. W.	Dodson	Phillips	Democrat
Hanson, Fred	Scobey	Daniels	Republican
Harris, Orville	White Sul. Spgs.	Meagher	Republican
Hawley, Herb C.	Harlowton	Wheatland	Republican
Hoffman, Joseph	Reed Point	Stillwater	Republican
Holton, Albert	Cohagen	Garfield	Republican
Joffray, E. N.	Clancy	Jefferson	Democrat
Johnson, A.	Denton	Fergus	Republican
Kelly, Pat A.	Butte	Silver Bow	Democrat
Kelly, Robert J.	Conrad	Pondera	Democrat
Kennedy, J. D.	Phillipsburg	Granite	Republican



# HOUSE OF REPRESENTATIVES—Continued

NAME	Residence	County	Politics
Kenyon, D. C.	Chinook	Blaine	Republican
Kinville, Sam	Butte	Silver Bow	Democrat
Larsen, A. T.	Dagmar	Sheridan	Republican
Larson, L. S.	Fairview	Richland	Republican
Lease, N. T.	Great Falls	Cascade	Republican
Leavens, Robert	Billings	Yellowstone	Republican
Lemmon, C. A.	Anaconda	Deer Lodge	Democrat
Loble, Lester H.	Helena	Lewis & Clark	Democrat
McAfee, J. H.	Kalispell	Flathead	Republican
McCarty, Mrs. Catherine Calk.	Glendive	Dawson	Democrat
McCormack, W. S.	Kaispell	Flathead	Republican
McLeod, Angus B.	Butte	Silver Bow	Republican
Maury, Lowndes	Butte	Silver Bow	Democrat
Murphy, C. F.	Anaconda	Deer Lodge	Democrat
Mushback, J. E.	Red Lodge	Carbon	Democrat
Myrick, H. D.	Square Butte	Chouteau	Republican
Nelson, Frank	Potomac	Missoula	Democrat
O'Connell, W. H.	Kalispell	Flathead	Democrat
Oker, Jos.	Helena	Lewis & Clark	Democrat
Ostby, James M.	McCabe	Roosevelt	Republican
Peden, W. A.	Hardin	Big Horn	Republican
Perrine, Jas. A.	Cut Bank	Glacier	Republican
Pilgeram, Wm. P.	Armington	Cascade	Democrat
Pope, Walter L.	Missoula	Missoula	Democrat
Rasmussen, Anton	Lavina	Golden Valley	Democrat
Ridle, M. D.	Shelby	Toole	Democrat
Rodgers, Henry G.	Dillon	Beaverhead	Republican
Roscow, Jessie	Butte	Silver Bow	Democrat
Ruffcorn, Wm. M.	Glasgow	Valley	Republican
Sandy, B. B.	Elgin	Carter	Republican
Scharnikow, Edward	Deer Lodge	Powell	Democrat
Seidensticker, Fred	Twin Bridges	Madison	Republican
Smethurst, Walter	Klein	Musselshell	Democrat
Smith, Paul W.	Helena	Lewis & Clark	Republican
Spencer, J. T.	Bridger	Carbon	Republican
Stoddard, Si	Anaconda	Deer Lodge	Democrat
Stoner, Clair	Outlook	Sheridan	Republican
Strange, G. B.	Stevensville	Ravalli	Republican
Swift, Charles R.	Hysham	Treasure	Republican
Taylor, T. T.	Lewistown	Fergus	Republican
Tawney, George P.	Hamilton	Ravalli	Republican
Terrett, Julian	Brandenberg	Powder River	Democrat
Tierney, Wm. P.	Paradise	Sanders	Democrat
Troy, T. J.	Havre	Hill	Republican
Wold, Ole M.	Laurel	Yellowstone	Republican
Zuck, John Q.	Lundville	Roosevelt	Republican

JAMES A. SHOEMAKER, Chief Clerk.

## STATE SENATORS

NAME	Residence	County	Politics
Adams, W. K.	Sidney	Richland	Republican
*Church, W. R.	Helena	Lewis & Clark	Democrat
Clark, T. L.	Sweet Grass	Toole	Democrat
*Coburn, John W.	Cut Bank	Glacier	Republican
Conser, C. C.	Plevna	Fallon	Republican
Cooper, Geo. R.	Haugan	Mineral	Republican
*Cowan, W. T.	Box Elder	Hill	Republican
*Dearborn, Mark D.	Roundup	Musselshell	Republican
Demel, C. W.	Billings	Yellowstone	Democrat
Dowlin, Charles M.	Forsyth	Rosebud	Republican
Duncan, M. M.	Virginia City	Madison	Democrat
*Esp, John T.	Big Timber	Sweet Grass	Republican
Garber, John D.	Plains	Sanders	Democrat
*Gibson, L. D.	Hysham	Treasure	Republican
*Greening, C. W.	Hardin	Big Horn	Republican
*Greenup, L. F.	Westfork	Daniels	Democrat
*Griffin, James	Chinook	Blaine	Republican
*Haaland, Jasper, Jr.	Joplin	Liberty	Democrat
*Harmon, W. E.	Bozeman	Gallatin	Republican
*Haley, W. S.	Terry	Prairie	Republican
*Hazelbaker, Frank A.	Dillon	Beaverhead	Republican
Healy, Dan	Livingston	Park	Democrat
*Henderson, W. C.	Jordan	Garfield	Republican
*Heren, R. P.	Miles City	Custer	Republican



**STATE SENATORS—Continued**

Name	Residence	County	Politics
*Jensen, Peter C. ....	Powderville .....	Powder River .....	Republican
Kane, Thomas .....	Corvallis .....	Ravalli .....	Republican
*Kirton, H. M. ....	Malta .....	Phillips .....	Republican
Leighton, Dr. I. A. ....	Boulder .....	Jefferson .....	Republican
Leuthhold, J. H. ....	Molt .....	Stillwater .....	Republican
*Lowe, Henry W. ....	Culbertson .....	Roosevelt .....	Republican
*Loy, Loren W. ....	Windham .....	Golden Valley .....	Republican
*McCone, George .....	Lambert .....	Dawson .....	Republican
McQuitty, I. S. ....	Harlowton .....	Wheatland .....	Democrat
*Mains, David F. ....	Manhattan .....	Pondera .....	Republican
Mears, John L. ....	Gcyser .....	Judith Basin .....	Republican
Muffly, Chas. S. ....	Winston .....	Broadwater .....	Democrat
Oliver, John .....	Ekalaka .....	Carter .....	Republican
Page, John R. ....	Philipsburg .....	Granite .....	Democrat
*Paul, W. J. ....	Deer Lodge .....	Powell .....	Republican
Pauline, Robert .....	Kalispell .....	Flathead .....	Republican
Peck, C. V. ....	Danvers .....	Fergus .....	Republican
Peterson, Peter .....	Glasgow .....	Valley .....	Democrat
Pomeroy, H. G. ....	Eureka .....	Lincoln .....	Republican
Porter, S. H. ....	Big Sandy .....	Chouteau .....	Democrat
Rhoads, Harmon T. ....	Choteau .....	Teton .....	Republican
*Rorvik, Peter .....	Circle .....	McCone .....	Republican
*Siegfriedt, Dr. J. C. F. ....	Bearcreek .....	Carbon .....	Republican
Speer, J. W. ....	Great Falls .....	Cascade .....	Republican
Staggs, W. L. ....	Wibaux .....	Wibaux .....	Republican
*Stewart, James H. ....	Sixteen .....	Meagher .....	Democrat
*Stewart, T. P. ....	Anaconda .....	Deer Lodge .....	Republican
Taylor, Chas. E. ....	Plentywood .....	Sheridan .....	Republican
Walker, Thomas J. ....	Butte .....	Silver Bow .....	Democrat
Watson, Burton .....	Missoula .....	Missoula .....	Democrat

\*Holdovers, Elected in 1920.

FRANK CONE, Secretary.







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66	An Act for the submission to the qualified electors of the State of Montana of an amendment to Article VI of the Constitution of the State of Montana by striking out Sections 4, 5 and 6 of said Article, all relating to the creation of Senatorial and Representative Districts, and enacting in lieu thereof a new section to be renumbered "Section 4," fixing the method of creating said districts. ....	52, 285, 339, 385, 399, 418, 562.
67	An Act prescribing the penalty on first and subsequent offenses for unlawfully giving away, selling or disposing of moonshine or other intoxicating liquor to a minor, and prescribing the penalty for the first and subsequent offenses for unlawfully giving away, selling disposing of or possessing moonshine or other intoxicating liquors within one thousand feet of a dance hall or place of public amusement, entertainment or gathering. ....	52, 145, 165, 206, 216, 232, 236, 303, 481, 496, 518, 558, 571, 630.
68	An Act repealing Sections 1999 and 2000 of the Revised Codes of Montana, 1921, relating to the classification of property for taxation and the basis for the imposition of taxes upon different classes of property. ....	52, 394, 395, 427, 460, 461.
69	An Act amending Section 1015 of the Revised Codes of Montana of 1921, relating to the powers and duties of School Trustees. ....	52, 97, 116, 131, 217, 286, 307, 320, 578, 604, 610, 622, 679, 683.
70	An Act to amend Article XII of the Constitution of the State of Montana relating to taxation, by striking out all of Sections 1, 2, 3, 7, 11 and 16 thereof and inserting in lieu of said sections a new section to be known and designated as Section 1, and by renumbering the remaining sections of said article. ....	60, 211, 236, 286, 287.
71	An Act to amend Section 5034 of the Revised Codes of the State of Montana, 1921, pertaining to the duties of City Treasurer and to provide for the deposit and control of all public moneys in the possession of and under the control of city and town treasurers and providing for the payment of interest on all such moneys. ....	60, 96.



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73	An Act to amend Section 11688 of the Revised Codes of Montana of 1921, relating to the presentation of accusations against officers by a Grand Jury.....	60, 80, 84, 88, 108, 111, 129, 366, 369.
74	An Act requiring the labeling of all cloth, fabrics, garments or articles of apparel sold or offered for sale in this State which contain wool, or purport to contain wool; to provide penalties for the violation of this law and to repeal all Acts and parts of Acts in conflict herewith. ....	60, 200, 206, 214.
75	An Act to amend subdivision 1 of Section 5030 of the Revised Codes of Montana of 1921, relating to the powers of mayors. ....	68, 116, 136, 156, 177, 188, 207, 291, 389, 484, 514, 516, 580.
76	An Act to amend Sections 5228 and 5229 of the Revised Codes of Montana of 1921, relating to the area embraced in special improvement districts, and to protests against such work. ....	68, 256, 306, 383, 420, 421, 435, 481, 496, 536, 558, 571.
77	An Act to amend Section 5036 of the Revised Codes of the State of Montana, 1921, to provide for the deposit and control of all public moneys in the possession of and under the control of the city or town treasurer, providing for the payment of interest on all such moneys and to amend Section 5036 of the Revised Codes of the State of Montana of 1921. ....	68, 94, 124, 156, 403.
78	An Act to amend Section 12103 of the Revised Codes of Montana of 1921, relating to the executions of death, where such executions are to take place and who are to be present. ....	68, 80, 88, 108, 111, 129, 195.
79	An Act to control the possession, sale and use of pistols and revolvers, to provide penalties and for other purposes. ....	71, 200.
80	An Act legalizing the acts of Boards of School Trustees in purchasing or building dormitories, furnishing and equipping the same. ....	71, 97, 116, 131, 143, 195, 369, 388, 518, 558, 571.
81	An Act to amend Sections 2346, 2347, 2348, 2350, 2351 and 2352 of Chapter 183 of the Political Code of Montana and to impose a license tax based upon the gross value of merchantable ore treated or sold by or from metaliferous mines in lieu of the license on net proceeds as heretofore provided in said chapter.....	71, 241, 306, 336, 343, 360, 380, 398, 407, 408, 417, 419, 481, 536.

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83	An Act authorizing cities and towns to include unplatted, undedicated or unsurveyed lots, pieces or parcels of land lying wholly within the boundaries of the city or town within special improvement districts and to assess same for its proportionate share of the cost of making or maintaining special improvements in the same manner as other property within the boundaries of such city or town. ....	72, 115, 116, 136, 156, 177, 188, 207, 291, 324, 339, 361, 384, 398, 406.
84	An Act providing for the supervision and regulation of the transportation of persons and property for compensation over any public highway in the State of Montana by motor vehicles motor trucks motor busses, bus-trailers, semi-trailers and other motor vehicles; defining what constitutes transportation for compensation, defining transportation companies, and providing for the supervision and regulation thereof by the Railroad Commission of Montana; providing for the enforcement of this Act and the punishment for violation thereof and declaring an emergency. ....	80, 258, 339, 385, 398, 418, 481, 604, 632, 674, 677, 710.
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87	An Act amending Section 5266 of the Revised Codes of Montana of 1921, relating to the contract for maintenance of lights in lighting districts and the assessment to pay the cost thereof. ....	80, 95, 116, 131, 144, 291, 324, 340, 384, 398, 406.
88	An Act to amend Article XII of the Constitution of the State of Montana, relating to revenue and taxation, by adding a new section thereto providing for the levying of taxes for the purpose of insuring growing crops against loss or damage by hail. ....	81, 327, 442.
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91	An Act authorizing city treasurers to invest moneys in sinking funds, in bonds and warrants of the United States, the State of Montana and the various counties, cities, and school districts of the State and prescribing method of making such investments.....	88, 116, 136, 157, 177, 189, 207.
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93	An Act to provide for the insurance of all public buildings of the State and of the several counties of the State and of the public school buildings by the State Board of Examiners. ....	89, 258, 308, 383, 420.
94	An Act to amend Section 1923 of the Revised Codes of Montana of 1921 relating to the creation of new school districts. ....	89, 96, 124, 156, 177, 187, 189, 207, 292, 322, 361, 384, 398, 406.
95	An Act to provide for the establishment within municipalities of districts or zones within which the use of property, height of improvements and required open spaces for light and ventilation of such buildings, may be regulated by ordinance. ....	89, 153, 177, 221, 299, 651.
96	An Act to empower trustees in school districts in which no high school is maintained, or in which a full four-year high school course is not maintained, to send pupils to the Free County High School or the High School of another District participating in the County High School Tax levy.....	89, 153, 177, 221, 249, 299, 600, 611, 612.

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97	An Act to provide for the establishment, government, and maintenance of city planning commissions within municipalities, and prescribing their powers and duties. ....	89, 153, 177, 221, 249, 300, 651.
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99	An Act providing for the separation of the schools for deaf, dumb and blind, from the schools of the feeble minded; and locating of the school for deaf, dumb and blind in some large center of population. ....	89, 201, 254, 562.
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101	An Act amending Section 1938 of the Revised Codes of Montana of 1921, relating to the foreclosure of State Land Loans and the sale of such lands bid in by the State at foreclosure sale, and providing for the re-sale thereof to the original mortgagor, his heirs or legatees, on the amortization plan. ....	89, 217, 249, 320, 358, 359, 561, 604, 652, 671, 676, 708, 709.
102	An Act to protect the lives, health and morals of women and minor workers, and to establish maximum hours; authorizing and empowering the Industrial Accident Board to fix such maximum hours and standard conditions of labor for such workers; providing for the appointment of a Field Secretary of the Industrial Accident Board, fixing her salary and duties; providing penalties for the violation of this Act; making appropriation therefor; and repealing all Acts or parts of Acts in conflict herewith. ....	89, 212, 213, 244.
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104	An Act to amend Sections 2065, 2169, 2175, 2176, 2177, 2269 and 2270 of the Revised Codes of Montana of 1921, relating to the time and method of collecting taxes and penalties for non-payment thereof; relating to the time, place and manner of selling property for the non-payment of taxes and to the time of commencing action to recover taxes paid under protest, and repealing sections 2182, 2183, 2184, 2185, 2186, 2188 and 2190 relating to the publication of delinquent tax lists. ....	97, 308, 309, 398, 440, 452, 454, 495, 651.



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106	An Act prohibiting intoxication and providing a penalty therefor. ....	97, 145, 146, 165, 206, 216, 234, 291, 322, 324.
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108	An Act to empower the Board of County Commissioners to provide maintenance to indigent persons while in vocational training under certain conditions and providing for the appointment of a person to act as agent for the Rehabilitation Bureau to serve without pay.....	98, 159, 229, 254, 320, 321, 336, 383, 399, 417, 481, 600, 611, 612.
109	An Act authorizing cities and towns to include unplatted, undedicated or unsurveyed lots, pieces or parcels of land lying wholly within the boundaries of the city or town within special improvement districts and to assess same for its proportionate share of the cost of making or maintaining special improvements in the same manner as other property within the boundaries of such city or town. ....	98, 115.
110	An Act making it unlawful for any department of the State government and every State institution or agency requiring an appropriation from the State to make expenditures or incur obligations for an amount in excess of the appropriation for such department, institution or agency; providing exceptions; creating a contingency allotment fund and placing it under the direction and control of the State Board of Examiners; providing for the allotment of said fund and providing a penalty for violating the provisions of this Act.....	100, 211, 236, 321, 359, 481, 497, 513, 515.
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115	An Act to amend Section 11528 of the Revised Codes of Montana of 1921, relating to gates and fences and pre- scribing punishment for violation of the same.....	106, 115, 136, 157, 177, 190, 207, 537, 604, 609, 622, 657, 673.
116	An Act to amend Sections 2169, 2175, 2182, 2188 and 2191 of the the Revised Codes of Montana of 1921, rela- tive to the collection of taxes and the sale of property for delinquent taxes; providing for the payment of taxes in two equal installments; fixing the rate of interest to be collected on unpaid taxes; and repealing Section 2170, Revised Codes of Montana of 1921.....	106, 309.
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118	An Act to amend Section 187 of the Revised Codes of Montana of 1921 relating to the publication of quarterly report of the State Treasurer. ....	108, 165, 215, 222, 234, 392, 480, 508, 510.
119	An Act to be hereafter named and as the Old Age Pension Act, designating the Boards of County Com- missioners of the respective counties of the State of Montana as the Old Age Pension Commission, for their several counties, prescribing their duties as such and giving to said Old Age Pension Commission power to make such rules and regulations as shall be necessary to carry out the provisions of this Act, providing cer- tain persons over the age of sixty years may be granted Old Age Pensions, describing their qualifications therefor as to residence, character and property; pro-	



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	viding for the re-payment to the several counties of all money paid in Old Age Pensions, under certain conditions; providing the requirements to be made by an applicant before the Old Age Pension may be collected; providing for Old Age Pension Certificates and renewal thereof; providing for payment of Old Age Pensions; providing that Old Age Pensions shall not be subject to assignment, sale, attachment or execution; providing for cancellation of Old Age Pension Certificates under certain conditions; providing penalties for obtaining or aiding and abetting in obtaining Old Age Pensions through false representation or fraud; providing for the disqualification of applicants under certain conditions; providing that Old Age Pensions are to be paid from the poor fund of the various counties; and providing for the reports of Old Age Pension Commissions to the State Auditor; and repealing all acts in conflict herewith.....	110, 229, 364, 384, 412, 434, 574, 647, 670, 676, 710.
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121	An Act to amend Section 6236 of the Revised Codes of Montana of 1921, relating to official bonds required of public officers. ....	111, 140, 165, 215, 222, 235, 392, 480, 508, 510.
122	An Act to amend Section 8867 of the Revised Codes of Montana of 1921, in relation to the powers of District judges at chambers. ....	117, 141, 165, 215, 222, 235, 651.
123	An Act to amend Section 11528 of the Revised Codes of Montana of 1921, relating to gates and fences and prescribing punishment for violation of the same.....	117.

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125	An Act to prohibit possession of or the traffic in Lophophora Williamsii or Peyote (Pellote) and Agave Americana (sometimes known as Mescal Buttons) and providing penalties for its violation. ....	117, 199, 222, 286, 307, 317, 371, 388, 480, 508, 510, 562.
126	An Act to regulate the practice of Pharmacy in the State of Montana and to control and regulate the manufacture, sale and distribution of drugs, chemicals, poisons and potent drugs. ....	117, 212, 236, 286, 316, 346, 347.
127	An Act to create a State Board of Hail Insurance, defining the duties and powers of said board and public officers in connection therewith; providing for the levy and collection of taxes on all lands subject to injury or destruction by hail of all taxpayers who may elect to become subject to the provisions of this Act; providing for crop liens in certain instances where the applicant is not the owner of land; providing for hail insurance fund; providing for the appointment of appraisers, the appraisal and adjustment of losses and the settlement therefor; providing for the foreclosure of liens; providing for the exemption of benefits from execution and attachment; and amending Sections 350, 351, 352, 358, 360, 361 and 363, Revised Codes of 1921, and repealing all Acts and parts of Acts in conflict herewith. ....	125, 154, 192, 221, 287, 305, 518, 535, 560, 568, 593, 630.
128	An Act prohibiting the introduction into, the manufacture of, and the giving, exchanging, bartering, selling or disposing of ardent spirits, ale, beer, wine or intoxicating liquors within the State of Montana and providing penalties for the violation thereof.....	125, 283.
129	An Act to amend Chapter 56, Part IV of the Political Codes of the State of Montana, Sections 5226 and 5238 Revised Codes of Montana, 1921, relating to special improvement districts in cities and towns. ....	125, 256, 331, 408, 443, 454, 495.
130	An Act authorizing cities and towns to appeal from the Police or Justice Courts to the District Court and from the District Court to the Supreme Court in any criminal action or prosecution in which an ordinance of the city or town is held or adjudged invalid or unconstitutional. ....	125, 141, 165, 215, 216, 286, 307, 319, 366, 369, 440.



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134	An Act to amend Sections 7725, 7726 and 7729 of the Revised Codes of Montana of 1921, fixing and prescribing legal rates of interest. ....	126, 201, 202.
135	An Act to amend Section 4767 of the Revised Codes of Montana of 1921, relating to the deposits of County Funds, and repealing Section 5036 of the Revised Codes of Montana of 1921, relating to the deposits of city and town funds. ....	126, 202, 286, 345, 380, 401, 440, 454, 458, 495, 600, 612, 633, 644, 660, 680, 683.
136	An Act prescribing a minimum wage for females employed in the State of Montana, and making it a misdemeanor to pay, or contract to pay, a less wage than that provided for in this Act. ....	126, 212, 244.
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142	An Act to amend Section 8291 of the Revised Codes of Montana, 1921, relating to selling or removing mortgaged property to defraud mortgagees. ....	139, 212, 236, 286, 307, 319, 369, 388, 480, 508, 510, 562.
143	An Act proposing a license tax upon every person, corporation or association, owning or operating a railroad wholly or in part within the State of Montana.....	140, 344, 381, 440, 441, 527.
144	An Act to submit to the qualified electors of the State of Montana an amendment to Section 2 of Article V of the Constitution of the State of Montana providing that members of the House of Representatives shall be elected for a term of four years. ....	140, 327, 398, 442.
145	An Act to submit to the qualified electors of the State of Montana an amendment to Section 6 of Article V of the Constitution of the State of Montana, providing for meetings of the Legislative Assembly to be held every four years. ....	140, 327, 408, 442.
146	An Act to authorize the State Treasurer to transfer certain funds. ....	142, 217, 254, 320, 339, 362, 482, 497, 513, 527.
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150	An Act to transfer the balance of the "H. L. Hart, Trustee, Langhorn House Account" fund to the "Livestock Commission Fund" for the use of the Livestock Commission. ....	146, 164, 206, 236, 287, 305.
151	An Act to amend Section 3324 of the Revised Codes of Montana of 1921, relating to the inspection of livestock about to be moved from one county to another within the State, and defining the powers of the Livestock Commission in reference thereto. ....	146, 164, 206, 236, 287, 305.
152	An Act to repeal Sections 2540, 2541 and 2542 of the Revised Codes of Montana of 1921, relating to State Epidemiologist. ....	154, 198, 204, 222, 286, 307, 318, 430.
153	An Act to amend Section 2917 of Chapter 213, Revised Codes of Montana, 1921, known as the "Workmen's Compensation Act" relating to the medical, surgical and hospital services to be furnished in case of injury.....	154, 312, 379, 425, 445, 452, 495, 675.
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155	An Act to amend Section 4751 of the Revised Codes of Montana of 1921, relating to the receipt for money by the County Treasurer. ....	154, 183, 215, 248, 287, 302, 634, 652, 673, 708, 709.

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158	An Act to amend Section 2798 of the Revised Codes of Montana, 1921, relating to Transportation of Explosives. ....	154, 376, 407.
159	An Act to repeal all of the Sections of Revised Codes of the State of Montana between Section 11048 and 11122, both inclusive, being all of Chapter 29 of the Penal Code of the State of Montana, 1921, and relating to the regulations governing the manufacture, sale and use of intoxicating liquors. ....	154, 192.
160	An Act establishing and locating an Agricultural Experiment Sub-station in Missoula County, Montana, to be known as the Mission Valley Sub-Station. ....	158, 217.
161	An Act making it unlawful for any person, company, association or corporation using cyanide of potassium or any other drug compound or substance poisonous or injurious to human beings, fish or livestock, from emptying or permitting the same to be carried to the waters of any stream, river or lake within the State, and requiring the impounding, damming up and confining such cyanide and other poisonous material in such manner to prevent the same from reaching the waters of any stream, river or lake or other waters containing fish or which may be used for domestic or agricultural purposes, and requiring that such poisonous or injurious material be fenced off from access by livestock; and preserving penalties for the violation of any provision of such Act.....	158, 242.
162	An Act amending Section 210 of the Revised Codes of Montana of 1921, relating to the duties of the State Examiner, by adding thereto two paragraphs to be known as Paragraphs 8 and 9.....	158, 218, 249, 320, 375, 401, 440, 453, 454, 495, 536, 537.
163	An Act providing for the security of deposits in the banks organized or existing under the laws of Montana, creating the Bank Depositors' Guarantee Fund of Montana, and providing regulations therefor, and penalties for violation thereof, and to be known as the "Bank Depositors' Guarantee Law." .....	158, 313, 314.
164	An Act to provide for the filing and listing of school text-books by publishers, and selections from such list by boards of school trustees and boards of education,	



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	and the purchase of such books selected with school funds at said filed prices. ....	167, 217, 276, 317, 338, 356, 362, 366, 600, 611, 612.
165	An Act appropriating money for the maintenance of the Industrial Accident Board for the fiscal year beginning July 1, 1922, and ending June 30, 1923, and to rectify a misappropriation made by the Seventeenth Legislative Session. ....	168, 185, 222, 248, 287, 303, 392, 480, 508, 510, 562.
166	An Act to authorize the Livestock Commission to expend moneys collected. ....	168, 185, 222, 248, 308, 381, 382, 386, 414, 537, 559, 560, 572, 580, 631.
167	An Act to amend Section 11552 of the Revised Codes of Montana of 1921, relating to the dogging of livestock....	167, 211.
168	An Act to amend the Penal Code by adding to Chapter 25 a section to be known as "Section 12008A" providing for the selection of alternate jurors in felony cases. ....	167, 345, 408, 427, 440, 454, 455, 495, 536, 537.
169	An Act to amend Section 9432 of the Revised Codes of Montana of 1921 relating to notice of sale, how sale given, copy of notice, by amending subdivision two thereof. ....	167, 184.
170	An Act to amend Sections 2169, 2175, 2176, 2182 and 2184, and to repeal Sections 2183 and 2188 of the Revised Codes of Montana of 1921, all relating to the collection of taxes. ....	167, 308, 309.
171	An Act appropriating money to reimburse the heirs of Tony Early for loss of interest on payments made to the State Board of Land Commissioners for purchase of lands and loss of improvements on said lands, to which the State of Montana was unable to give patent and from which Tony Early, as such purchaser, was subsequently ejected. ....	167, 185, 204, 470, 493, 514, 517, 533, 574, 604, 611.
172	An Act to provide county assistance for the shooting, poisoning and trapping of rodents in control districts established by the State Board of Entomology for the control of Rocky Mountain Spotted Fever; providing for the appointment of persons and purchase of material therefor; providing for the payment of the expense and authorizing the levy of a tax therefor; and defining the term "rodents.".....	167, 198, 228, 286, 307, 319, 371, 388, 480, 508, 510, 562.
173	An Act to amend Chapter 97 of Part III of the Political Code of Montana, 1921, by adding two sections thereto to be known as Sections 1203A and 1203B, providing for the levying of a poll and capitation tax for school purposes, and disposition of moneys derived from such tax, and providing that Sections 2274-2294 of the Re-	

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	vised Codes of Montana, 1921, shall be applicable in the carrying into effect of the provisions of said Act.....	168, 229, 254, 321, 351.
174	An Act to provide for the letting of contracts for public printing, fixing the prices therefor, providing for an undertaking for the faithful performance of such contracts, providing a penalty for the violation of this Act and repealing Section 4482 of the Revised Codes of Montana of 1921.....	168, 183, 215, 294, 364, 384, 413, 651.
175	An Act to amend Section 3697 of the Revised Codes of Montana of 1921, relating to open season for deer and the number of deer allowed to be killed by each person. ....	168, 546.
176	An Act to amend Sections 7210, 7211, Revised Codes, Montana, 1921, relating to the petition for bonds of irrigation districts and action thereon and to the confirmation by the district court of bond proceedings of irrigation districts, by providing that the proceedings enumerated in such sections shall not be had or accomplished until compliance is first had with Sections 7216, 7218, Revised Codes, Montana, 1921, as amended herein and with all the sections of this Act; and to amend Sections 7216 and 7218, Revised Codes, Montana, 1921, by providing for the submission to the irrigation district bond commission of all proceedings for issuance of bonds of irrigation districts now or hereafter created, under and by virtue of Chapter 146, Laws 1909, and Acts amendatory thereof and Supplemental thereto as embraced in Sections 7166 to 7284, Revised Codes, Montana, 1921. ....	168, 242, 288, 382, 399, 417, 481, 577, 604, 635, 643, 657, 678, 679, 709, 710.
177	An Act to amend Section 213 of the Revised Codes of 1921, relating to the failure of county officers to transmit statements to the State Examiner; or the refusal or neglect of any officer to comply with the lawful regulations as prescribed by the State Examiner and providing a penalty therefor. ....	168, 187, 204, 218, 249, 320, 339, 362, 402.
178	An Act providing for the foreclosure of mortgages containing a power of sale by advertisement, outlining procedure, and providing for purchase at such foreclosure sale by the mortgagee or his representatives.....	185, 243, 295, 296, 365, 420, 445, 451, 495, 537, 613, 641, 647.
179	An Act imposing a license tax upon every person, corporation, or association, owning or operating a telephone or telegraph line or system wholly or in part within the State of Montana. ....	186, 344, 381, 442, 443.



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180	An Act amending Sections 11052, 11071, 11075, 11079 and 11084, and repealing Sections 11053, 11072, 11095, 11096, 11097, 11098, 11099 and 11104, of the Revised Codes of Montana of 1921, relating to governing manufacture, sale and use of intoxicating liquors. ....	186, 282, 365, 420, 426, 437, 481, 634, 652, 672, 676, 709, 710.
181	An Act to amend Sections 3701 of the Revised Codes of Montana of 1921 relating to the open season for grouse, etc. ....	186, 328, 386, 425, 445, 449, 495, 651.
182	An Act to amend Section 4454 of the Revised Codes of the State of Montana, 1921, relating to the appointment of county commissioners by judges of the district court when vacancies occur. ....	202, 216, 249, 320, 339, 362, 518, 519.
183	An Act to provide for the periodical inspection of elevators operated in places of employment in this State; to require a safety certificate for such operation; to make it a misdemeanor to operate such elevator without such certificate; and to provide for an injunction against such operation if dangerous to the life or safety of employees; to vest in the Industrial Accident Board the power to make such inspections and determine the competency of inspectors and require reports of inspections; to issue such certificates and prescribe maximum fees therefor and to require that the erecting plan of every elevator hereafter installed be submitted for approval to the Industrial Accident Board. ....	202, 312, 386, 421, 459, 464, 494, 675, 695.
184	An Act to add one section to be numbered 4977A to the Revised Codes of Montana of 1921, relating to the additions to cities or towns. ....	203, 230.
185	An Act for a law conferring upon the councils of cities and towns owning public cemeteries, power to create cemetery boards with jurisdiction to regulate and control such cemeteries, conferring upon such councils power to define the duties of such boards, and the power to levy upon property located within such cities and towns not to exceed two mills on the dollar of assessed valuation for the support and maintenance of such cemeteries. ....	203, 256.
186	An Act to repeal Sections 3040, 3041, 3042 and 3043 of Chapter 215, Revised Codes of Montana, 1921, which requires certain employers to make reports to the Industrial Accident Board concerning alien and illiterate employees and authorizes said board to prescribe rules and regulations and to fix penalties with reference thereto. ....	203, 311, 386, 425, 445, 449, 495, 675.
187	An Act providing for the manufacture of all automobile and other license tags required by the laws of this State, at the State penitentiary at Deer Lodge; and authorizing and directing the State Board of Prison Commissioners to provide the necessary machinery, equipment and supplies therefor. ....	203, 402, 427.

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188	An Act to amend Section 4917 of the Revised Codes of Montana of 1921, relating to the fees of county clerks.	203, 216, 235, 247, 345, 398, 440, 454, 461, 494, 599, 600.
189	An Act to authorize the State Board of Equalization to review and determine the necessity and advisability to issue bonds by any county or taxing district, and limiting the rate of interest on municipal bonds.....	203, 211, 260.
190	An Act to provide for regulating in certain respects the conduct, behavior, operation and equipment of vehicles using the public streets, roads and highways of this State and restricting and prohibiting the use thereof, for certain purposes; to provide for limiting the weight and dimensions of loads and vehicles and the speeds of travel thereof; to prohibit local authorities from reducing the speeds prescribed by this Act except under certain conditions and defining certain duties and powers of the State Highway Commission; to provide for punishment for violations of this Act and repealing all Acts and parts of Acts in conflict herewith.....	203, 230, 288, 382, 425, 448.
191	An Act to provide a license tax of two cents per gallon on gasoline, distillate, liberty fuel, and other volatile and inflammable liquids used, sold, distributed, manufactured, produced, or compounded in the State of Montana for any purpose including the operation or propelling motor vehicles over or upon the highways and public roads; to provide for the collection thereof; to provide for certain exemptions, etc.....	203, 335, 404, 587.
192	An Act to amend Section 3478, Chapter 252, Revised Codes of Montana, 1921, known as the "Coal Mining Code" relative to the obtaining of certificates by mine foremen, mine examiners, or fire bosses, and providing that mine foremen, mine examiners, or fore bosses in certain coal mines need not obtain such certificates.....	203, 230, 254, 321, 339, 359.
193	An Act to amend Sections 2840, 2849, 2914, 2920, 2940, 2994 and 2995 of Chapter 213, Revised Codes of Montana, 1921, known as the "Workmen's Compensation Act;" relating to compensation plan No. Three, when a public corporation is the employer, duty of governing body of such corporations and manner of determining who are employees of such corporations; defining inherently hazardous occupations; specifying the manner and amount of payment for partial disability, and providing payment for per centage of disability, specifying the compensation payable for specific injuries and the basis for making payment thereof; defining the powers of the board and providing notice to employees when coverage is cancelled; providing for deposits by employers under Plan Three: designating the manner of making compensation assessments and providing for yearly adjustments based on employers payrolls. ....	204, 312, 386, 425, 459, 466, 467, 495, 675.



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194	An Act to amend Section 6216, Revised Codes, Montana, 1921, pertaining to the requirements of surety companies to transact business within the State of Montana, and relating to the authority of the agent of such Companies, making it incumbent upon such companies to have and deposit with the insurance commission of the State of Montana, \$50,000 in trust for the benefit of the resident holders of the obligations of such corporation, before any such corporation may do or transact business within the State of Montana. ....	204, 257, 239, 420.
195	An Act authorizing the establishment of fiscal agencies for the payment of bonds and bond interest coupons which are issued by the State of Montana and all counties, cities, towns, school districts, boards of education, irrigation districts or other municipalities of the State of Montana; prescribing the regulations to govern the same, and repealing all Acts and parts of Acts in conflict herewith. ....	204, 329, 440, 454, 455, 495, 559, 561, 652.
196	An Act to amend Sections 2398, 2399, 2400, 2402, 2403, 2404 and 2405 of the Revised Codes of Montana of 1921, and requiring every person, firm, co-partnership, association, joint stock company, syndicate and corporation engaged in or carrying on the business of producing within the State petroleum or other mineral or crude oil, or engaged in or carrying on the business of owning, controlling, managing, leasing or operating within this State any well or wells from which petroleum or other mineral or crude oil is produced, to pay to the State Treasurer for engaging in and carrying on such business, certain license fees for the exclusive use and benefit of the State of Montana; fixing the amount of such license fees; prescribing a method for the assessment and collection thereof; and prescribing penalties for violations of the provisions of this act. ....	213, 294, 322, 337, 347, 348, 364, 561, 573, 608, 615, 625, 631, 647, 649, 696, 700, 701, 702, 710.
197	An Act establishing the Eastern Montana Normal College, defining the objects of its establishment, providing for the control, supervision and management thereof, and making the same a part of the University of Montana, and making an appropriation for renting, acquiring and equipping the necessary buildings therefor, and for the support, equipment and maintenance of said college. ....	214, 242, 348, 349, 408, 442, 444, 454, 462, 465.
198	An Act relating to farm storage warehouses for grain; providing for the storage, measuring, inspection, grading and insurance of grain in licensed warehouses on the farm; providing for farm warehouse inspectors; providing for the issuance of negotiable warehouse receipts secured by grain held in licensed farm ware-	

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199	An Act making the County Treasurer of each county registrar of motor vehicles, and repealing Section 1755 of the Revised Codes of 1921. ....	213, 402, 427, 460, 593, 597, 626.
200	An Act to amend Chapter 56, Part IV of the Political Code of the Revised Codes of Montana, 1921, relating to special improvement districts in cities and towns by adding thereto two new sections to be numbered 5226-b and 5242-a, providing for the creation of special improvement districts for the purpose of maintaining, preserving and caring for planking or re-planking, paving or re-paving, macadamizing or re-macadaminzing, graveling or re-graveling, piling or re-piling, capping or re-capping, surfacing or re-surfacing, or oiling or re-oiling in such special improvement districts and for the continued maintenance, preservation and care of such improvements. ....	213, 230, 261, 321, 339, 360, 549.
201	An Act amending Section 3460, Paragraph "A," 3472, 3513, 3515, of the Revised Code of the State of Montana, 1921, relating to the examination, appointment, duties, qualifications and requirements of mine foremen and their assistants. ....	213, 261, 334, 383, 399, 416.
202	An Act to amend Section 410 of the Revised Codes of Montana of 1921, relating to the qualifications of civil officers. ....	213, 255, 288, 382, 420, 421, 435, 431, 518, 519.
203	An Act relating to irrigation districts, and providing for and regulating the payment of warrants of such districts, and the registration of such warrants when presented and not paid for lack of funds, and the redemption of such warrants, and the accruing of interest thereon, and providing for the duties of the County Treasurer in connection therewith. ....	213, 399, 427.
204	An Act to amend Section 7136 of the Revised Codes of Montana of 1921 in relation to the appointment of Water Commissioners. ....	219, 245, 562.
205	An Act to amend Section 4327, Revised Codes of Montana, 1921, relating to the boundaries of Judith Basin County, Montana. ....	219, 400.
206	An Act to amend Section 4157, Section 4158, Section 4161, Section 4163, Section 4169, of Chapter 269, Revised Codes of Montana, 1921, regulating and licensing employment agencies, and adding a new section to said Chapter, numbered Section 4172A. ....	219, 244, 288, 382, 425, 447, 494.



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207	An Act to amend Subdivision 2, of Section 9111, of the Revised Codes of Montana of 1921, relating to service of summons. ....	219, 257, 306, 383, 386, 414, 447, 480, 518, 519.
208	An Act to regulate advertisements in any public highway or on private premises without the consent of owner of said property and to provide for a license tax on bill boards and signs to be used for highway improvement. ....	219, 244, 288, 320, 378, 425.
209	An Act to amend Sections 4584, 4586 and 4592 of Chapter 17 of Part IV of the Political Code of Montana of 1921, relating to the assessment of the cost of rural improvements and the operation and maintenance of rural improvements and to add to said chapter a new section to be numbered 4598a, relating to water and light rentals in rural improvement districts. ....	219, 395, 424, 425, 445, 567.
210	An Act to amend Section 105 of the Revised Codes of Montana of 1921, relating to the printing and distribution of measures for initiative and for referendum.....	219, 350, 408.
211	An Act to establish a game preserve in the Jefferson National Forest, in Judith Basin County, for the protection of game animals and birds, to be known as Little Belt Mountains Game Preserve, and providing penalties for the killing, hunting, trapping, and pursuing any game animals or birds in such preserve, of the carrying of fire arms therein. ....	219, 355.
212	An Act for the submission to the qualified electors of the State of Montana of an amendment to Section 1 of Article V of the Constitution of the State of Montana relating to the Legislative Department. ....	220, 327, 328.
213	An Act to prohibit pool halls, billiard halls or card rooms from erecting and maintaining screens, curtains or partitions which obstruct the clear view of the interior thereof; declaring a violation of this Act to be a misdemeanor and fixing a penalty. ....	220, 395, 427.
214	An Act to provide for a license tax on motor vehicles and other vehicles and upon chauffeurs and other operators of motor vehicles and upon dealers in such vehicles, for the privilege of using the public streets, roads and highways of the State of Montana and for the repair of the injury thereto caused by such use and for the improvement, maintenance and policing thereof; to provide for the registration, identification and conduct of motor vehicles and other vehicles and of chauffeurs and other operators thereof and of dealers therein and for the collection of such license taxes, and for the creation of a State Highway Fund and the use and disposition thereof, etc. ....	220, 378.

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216	An Act providing that the clerk of the consolidated boards shall be the Ex-Officio State Parole Commissioner and providing the duties of said commissioner.....	220, 331, 386, 440, 454, 462, 481.
217	An Act to abolish the office of County Auditor and to repeal Sections 4824, 4825, 4826, 4827, 4828, 4829, 4830, 4831, 4832, 4833 and 4834 of the Revised Codes of the State of Montana of 1921, being Chapter 30 of Part IV of the Political Code of the State of Montana, relating to the office of County Auditor. ....	220, 260, 334, 383, 399, 416, 481, 612, 635, 671, 676, 695, 708, 709.
218	An Act to repeal Sections 1113, 1114, 1115, 1116, 1117, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131 and 1132 of the Revised Codes of Montana of 1921, and to provide for the distribution of all funds in the hands of the State Treasurer of the State of Montana belonging to the Public School Teacher's Retirement Salary Fund and the Public School Teachers' Permanent Fund. ....	220, 229, 261, 316, 331, 421, 459, 464, 494, 651, 695.
219	An Act to provide for the regulation and licensing of dance halls, the regulation of dancing and the penalties for the violation of the provisions thereof. ....	232, 260, 344, 346, 420, 445, 450, 495, 600, 635, 694.
220	An Act to amend Section 3797 of the Revised Codes of Montana of 1921, relating to the general powers of the Board of Railroad Commissioners and prescribing zones of delivery by express companies in cities.....	232.
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226	An Act to amend 9432 of the Revised Codes of Montana of 1921, relating to notice of sale, how sale given, copy of notice, by amending sub-division two thereof.....	245, 258.
227	An Act to amend Section 1415 of the Revised Codes of Montana, 1921, relating to appointment of, removal and salary of the Superintendent of the Insane Asylum and his assistant. ....	245, 254, 288, 382, 399, 416, 481, 538, 559, 562, 572, 580, 630.
228	An Act to amend Section 860 of the Revised Codes of Montana, 1921, relating to refunding fare to students.....	245, 254, 288, 382, 386, 415, 480, 561, 604, 611, 657, 673.
229	An Act to designate and provide for the destruction and eradication of Canada thistles and quack grass and the appointment by county commissioners and city councils of a weed commissioner, defining his duties, fixing his compensation and providing penalties for violations of the provisions of said Act, and to repeal Sections 4506, 4507, 4508, 4509, 4510, 4511, 4512, 4513 of the Revised Codes of Montana of 1921.....	245, 311, 386, 425, 445, 452, 496, 537, 600, 633, 642, 648, 679, 683, 699.
230	An Act to amend Section 293 of the Revised Codes of Montana of 1921, relating to supervision of public printing. ....	246, 254, 288, 382, 386, 415, 480.
231	An Act to amend Sections 5097, 5098, 5099, 5100, 5101 and 5106 of the Revised Codes of Montana of 1921, prescribing the qualifications of policemen in cities, their term of office, the method of their appointment trials for misconduct or malfeasance in office, their suspension or discharge, and to provide for the creation of a Police Commission to examine all applicants and to try and determine all charges filed against the policemen and prescribing the method of review and appeal of any sentences imposed, and defining who are on the eligible list for service. ....	246, 257, 334, 383, 399, 416, 425, 481, 651, 672, 676, 710.

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233	An Act defining, describing and creating judicial districts within the State of Montana, and prescribing the number of judges for each district. ....	246, 257, 322, 383, 425, 448.
234	An Act repealing Section 146 of the Revised Codes of Montana, 1921, relating to fees of Secretary of State for filing and recording articles of incorporation and issuance of certificate of foreign and domestic religious societies, church organizations for religious purposes and fraternal societies not having capital stock and not organized for purposes of profit.....	246, 258, 285, 316, 374, 425, 426.
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237	An Act relating to irrigation districts, and amending and re-enacting Sections 7166, 7171, 7173, 7174, 7177, 7184, 7210, 7212, 7214, 7215, 7220, 7224, 7226, 7227, 7228, 7229, 7230, 7234 and 7235 of the Revised Codes of Montana of 1921, which relate to the establishment, organization and government of irrigation districts; providing who may organize such districts and in what cases, and requirements therefor, and making regulations for the status, powers, duties, organization and place of meeting of the board of commissioners of such districts, vacancies in such board, and the salary and compensation of such commissioners and penalty for interest in contracts; for the qualification and designation of electors and the manner of voting by agents, co-owners and purchasers of land under contract of sale; concerning the purposes for which bonds of such districts may be issued, and the authorization, issuance, confirmation, details, record, negotiation, disposition, delivery and cancellation of such bonds, and the disposition of proceeds of sale thereof; for the refunding, redemption and payment of bonds and warrants of such districts, and the authorization, issuance, confirmation,	



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241	An Act changing the boundary line between Lewis and Clark County and Jefferson County, State of Montana, and amending Sections 4326 and 4328 of the 1921 Revised Codes of the State of Montana. ....	263, 346, 408, 443.

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243	An Act to amend Section 3761 of the Revised Codes of Montana, 1921, concerning the Snow Creek Game Preserve. ....	263, 328, 398, 440, 454, 462, 494, 611, 634.
244	An Act relating to irrigation districts, amending and reenacting Sections 7249 and 7258 of the Revised Codes of Montana, 1921, relating to the liability and duty of county treasurer and the transfer of an interest on district fund and enacting a new section to be designated Section 7215A of the Revised Codes of Montana, 1921, authorizing and regulating the investment of money in the construction fund. ....	263, 376, 425, 426.
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246	An Act appropriating money for the maintenance of the Montana State Highway System of roads in conjunction with the various counties of the State of Montana by and through their boards of county commissioners for the two years beginning July 1st, 1923, and ending June 30, 1925, under rules and regulations of Montana State Highway Commission. ....	264, 471.
247	An Act appropriating money for the administrative expenses of the Montana State Highway Commission for the two years beginning July 1, 1923, and ending June 30, 1925. ....	264, 471.
248	An Act providing for the appointment of a farm loan commissioner, prescribing his duties, term of office and salary and repealing Section 1819 of the Revised Codes of Montana, 1921, relating to Deputy Register of State Lands. ....	263.
249	An Act authorizing and providing for the consolidation and merging of the corporate existence and government of any county in the State and of all cities and towns situated therein into one municipal corporation and government, defining the powers thereof and providing a commission-manager plan of government therefor. ....	263, 345, 435, 439, 443, 454, 456, 495, 634, 652, 671, 676, 710.
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252	An Act providing for ventilation of quartz mines, and providing penalties for the violation thereof. ....	263, 396.
253	An Act to amend and re-enact Section 1275 of the Revised Codes of Montana, 1921, relating to County High Schools. ....	263, 309, 379, 425, 445, 451, 495, 561, 604, 611, 657.
254	An Act to amend Section 11273, of the Revised Codes of Montana of 1921, providing for escapement shafts and openings in quartz mines. ....	263, 397.
255	An Act to amend Section 587 and 588 of the Revised Codes of Montana of 1921, relating to judges of election; how appointed and number of judges to be appointed. ....	263, 351, 408, 443, 454, 456, 495, 537, 559, 560, 572, 580, 630.
256	An Act relating to irrigation districts, enacting a new section to be designated as Section 7189A of the Revised Codes of Montana of 1921, giving to the court continuing jurisdiction over proceedings for establishment of districts, for the inclusion or exclusion of lands therein or the change of the boundaries thereof with powers to make proper corrections and amendments of matters included in any order made in any such proceeding, including description of lands and providing the procedure for the exercise of such powers; also enacting another new section to be designated as Section 7231A of the Revised Codes of Montana of 1921, providing a limitation against actions or proceedings allocating orders or decrees purporting to establish districts or correcting or amending any such order or decree, validating districts heretofore established or attempted to be established by order of court and the acts and proceedings of such districts or their commissioners leading up to the authorization, issuance or sale, or proposed issuance or sale, of bonds, as well as such bonds; also amending Sections 7190, 7191 and 7192 of the Revised Codes of Montana of 1921, relating to the determination of acreages in irrigation districts, and regulating the procedure therefor. ....	264.
257	An Act establishing a State Highway Commission, prescribing the powers and duties thereof, providing for the appointment of a Highway Engineer and his assistant and prescribing their duties; providing the method and limitation of expenditures; imposing certain duties upon county officials; assenting to the Federal Aid	

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258	An Act to provide for dividing counties into county commissioner districts; providing for one county commissioner from each district; providing for the changing and equalizing of county commissioner districts; and amending Sections 4452 and 4453 of the Revised Codes of Montana of 1921. ....	264, 372.
259	An Act conferring upon the councils of cities and towns, owning municipal water works and water systems power to create boards of water commissioners to have supervision and control over such municipal water works and water systems, and conferring upon such councils power to define the duties of such boards.....	264, 296, 334, 335, 399, 417, 481, 651.
260	An Act to empower and direct the State Board of Prison Commissioners of the State of Montana to acquire by purchase the Valiton Ranch and the Kohrs and Bielenburg Ranch to be used in connection with the operation of the Montana State prison and providing an appropriation therefor. ....	265, 289, 593, 629, 636, 646, 710.
261	An Act to amend Sections 2593 and 2595 of the Revised Codes of Montana of 1921, relating to tests and analyses to be made by the State Board of Health, making such tests and analyses prima facie evidence of the facts contained therein. ....	264, 345.
262	An Act to provide protection for laborers, material men and sub-contractors, furnishing labor and material for the prosecution of public work; requiring a bond to be furnished by contractors upon public works to secure the performance of their contracts and the payment of laborers, material men and sub-contractors; prescribing certain conditions of such public contracts and permitting action to be brought by laborers, material men and sub-contractors upon such bonds.....	284, 384, 421, 459, 463, 494, 537, 632, 634.
263	An Act to amend Section 1010 of the Revised Codes of Montana, 1921, relating to transportation of pupils.....	284, 309, 379, 425, 445, 450, 495, 561, 604, 609, 621, 657.
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266	An Act to amend Chapter 202 of the Revised Codes of Montana of 1921 by adding thereto one new Section to be known as Section 2623(A), forbidding the sale of milk to which has been added any fat or oil other than milk fat. ....	284, 293, 334, 385, 399, 418, 481, 600, 632, 633, 657, 673.
267	An Act providing for an annual license tax to be paid by all physicians and surgeons practicing in this State; providing the method of collecting the same; providing for the disposition and expenditure of all moneys collected under the provisions of this Act, and providing a penalty for the violation of any provisions of this Act. ....	284, 310, 379, 425, 445, 450, 495, 599, 600.
268	An Act appropriating money to pay balance unpaid on judgment in favor of the General Electric Company and against C. T. Stewart, as Secretary of State, for fees illegally collected. ....	284, 295, 334, 420, 421, 436, 538, 559, 562, 572, 580, 630.
269	An Act relating to irrigation districts, and to transfer to, confer upon and vest in the State Enigneer of the State of Montana all the rights, privileges, powers and duties now conferred upon, granted to, or vested in the Montana Irrigation Commission, the Secretary of the Montana Irrigation Commission, the Public Service Commission of the State of Montana, the Secretary of the Public Service Commission of the State of Montana, the Chief Engineer of the Montana Irrigation Commission and of the Public Service Commission of Montana, under and by virtue of Chapter 13 of the Montana Session Laws, Extraordinary Session of 1919, and Chapter 153 of Montana Session Laws for 1921, all as appearing in Sections 3947 to 4025 of the Revised Codes of Montana of 1921, both sections inclusive, excepting Section 3968 thereof, and amending and re-enacting said section 3968 by providing that any irrigation district organized under said Chapter 153 may have the Attorney General, the State Engineer and the State Examiner examine into and report upon the legal, physical and financial features of the district, and the Secretary of the State certify to the bonds of the district, all under and as provided in Chapter 236 of Montana Session Laws for 1921, the same being Sections 7216 to 7225 of the said Revised Codes. ....	284, 399, 445.
270	An Act to amend Sections 2865, 2867, 2891, 2892, 2898, 2899, 2900, 2905, 2906, 2907, 2911, 2912, 2913, 2914, 2915, 2916, 2917, 2918, 2919 and 2920, of the Revised Codes of Montana of 1921, relating to the Workmen's Compensation law; and to repeal Sections 2893, 2894, 2895, 2897, 2909 and 2910 of the Revised Codes of Montana, 1921, relating to Workmen's Compensation Law.....	285, 394.



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277	An Act appropriating money for the purchase of farm land to be used in connection with the operation of the Montana School for the Deaf and Blind. ....	298, 505, 534, 535, 552, 555, 611, 612.
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280	An Act to define the duties of all persons, firms, corporations, or associations who slaughter, or cause to be slaughtered cattle, or who sell, or distribute dressed bovine meat; to require written statements from the vendor; providing for license; making a violation of this Act a misdemeanor; providing a penalty therefor, and repealing Chapter 242 of the Revised Codes of Montana of 1921. ....	298, 310, 379, 425, 454, 458, 495, 537, 599, 635, 643, 657, 709, 710.
281	An Act prohibiting the mutilating, destroying, or concealing of the hides of livestock; making the violation of this Act a felony, and providing a penalty for such violation. ....	298, 309, 386, 440, 454, 461, 494, 537, 562, 602, 633, 652, 672, 676, 708, 709.
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286	An Act to amend Section 3688 of the Revised Codes of Montana, 1921, relating to form and contents of hunting and fishing licenses. ....	315, 354, 421, 449, 454, 462, 494, 634, 652, 675.

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289	An Act to amend Section 3880 of the Revised Codes of Montana of 1921, as relating to the "Public Service Commission" and providing for the transfer of its powers and duties to the State Board of Equalization. ....	315, 326, 398, 421, 459.
290	An Act fixing the salaries of State officers, State and district judicial officers and members of the Legislature and repealing all Acts in conflict herewith. ....	315, 354, 403, 408, 448.
291	An Act to amend Sections 3914 of Chapter 261 of the Revised Codes of 1921, creating the Montana Trade Commission and providing for the transfer of its powers and duties to the Commissioner of Agriculture. ....	315, 448.
292	An Act to repeal Sections 3779 to 3815, inclusive, of the Revised Codes of Montana, 1921, creating and describing the powers and duties of the Board of Railroad Commissioners of the State of Montana. ....	315, 326, 398, 421, 459.
293	An Act fixing the maximum compensation that may be paid to State officials of the various State boards and commissions of the State, their deputies, assistants, clerks and other subordinates and employees, whose compensation is not specifically fixed by law, and repealing all Acts and parts in conflict herewith. ....	315, 354, 425, 426.
294	An Act to protect the lives, health and morals of women and minor workers, and to establish maximum hours, and minimum wages therefor; authorizing and empowering the Industrial Accident Board to fix such maximum hours, and minimum wages and standard conditions of labor for such workers; providing for the appointment of wage conferences and establishing the powers thereof, and repealing all Acts and parts of Acts in conflict herewith. ....	316, 349, 421, 448, 463, 467, 494.
295	An Act to amend Section 3947, Chapter 262 of the Revised Codes of Montana, 1921, creating the Montana Irrigation Commission and providing for the transfer of its powers and duties to the State Engineer. ....	316, 376, 381.
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300	An Act prescribing and defining the duties and powers of the State Engineer in connection with the adjudication and administration of the water right laws of the State of Montana, fixing his salary and that of his assistants, providing for the appointment by him of an assistant and employees, and for the appointment by him of water commissioners and fixing their compensation, providing for the keeping and certifying of records by the State Engineer, providing for returns to be made annually to county assessors by water right claimants of rights claimed by them to the use of the waters of this State and for the levying and collection of a water right license tax upon such claimed water rights, and for certain public records based upon such returns, and for presumptions of law based upon such returns, and for presumption of abandonment based upon failure of such water right claimants to make such returns, and prescribing the duties of county assessors, county treasurers, county clerks and recorders and the State Engineer with reference to such returns, records and water right license taxes, and for payment of a part of such license taxes to the State Treasurer to be by him placed in a fund known as State Engineer's water right fund, from which to pay the salaries and expenses of the State Engineer, his assistants and employees, and water commissioners appointed by him, and providing for the adjudication of water rights upon complaint to the State Engineer filed in the district court, and the procedure in con-	

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302	An Act to amend Sections 2317 and 2328 of the Revised Codes of Montana, 1921, relating to coal mines and dealers' license tax. ....	333.
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304	An Act to authorize the discontinuance of County High Schools, specifying a procedure therefor and prescribing the method of disposing of the property of such high schools and of caring for their obligations in the event of such abolishment. ....	333, 344, 440, 454, 456, 495, 600, 632, 633, 657, 683.
305	An Act to amend Section 8814 of the Revised Codes of Montana, 1921, relating to salaries of district judges....	333, 403, 427.
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307	An Act to amend Section 4037, Revised Laws of Montana, 1921, relating to the granting to stockbrokers of permit to do business. ....	333, 423.
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310	An Act to amend Section 3312 of the Revised Codes of Montana of 1921 relating to livestock inspectors and detectives, providing for their compensation, and repealing all Acts and parts of Acts in conflict herewith.....	334, 354, 408, 441.
311	An Act to amend Sections 3262 and 3264 of Chapter 234 of the Revised Codes of Montana, 1921, relating to the State Veterinary Surgeon, Deputy Veterinary Surgeons, and inspectors of Livestock Sanitary Board, providing for their compensation, and repealing all Acts and parts of Acts in conflict herewith. ....	334, 355.
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320	An Act to amend Section 3202 of the Revised Codes relating to the possession and control of drugs. ....	335, 409, 427.
321	An Act providing for the appointment of a Supreme Court Reporter prescribing his powers and duties, fixing his salary and compensation and repealing Sections 378 and 379 of the Revised Codes of Montana of 1921.....	335, 376, 401, 424, 426.
322	An Act to provide for the suspension of the acceptance of further compensation coverage under Plan Two of the Workmen's Compensation Law as provided in Chapter 213, Revised Codes of Montana, 1921. ....	335, 373, 426.
323	An Act to appropriate money from the Industrial Accident Fund of the State of Montana for the payment of the claim of Sam Nestor which was disallowed by said board because the claim was not presented within six months. ....	356, 506, 534, 535, 552, 555, 651, 673, 695, 709, 710.
324	An Act to amend Section 12280 of the Revised Codes of Montana of 1921, relating to the arrest or taking into custody of juvenile delinquents, and the proceedings to be had therein. ....	357, 372, 426, 460, 465, 495, 574, 604, 611, 657, 673.
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326	An Act relating to the service of fees of stallions and jacks; and repealing Sections 5813 and 5815 of the Revised Codes of Montana, 1907, as amended by Chapter 45 of the Laws of the Thirteenth Legislative Assembly, approved March 1, 1913.....	396.
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331	An Act to submit to the qualified electors of the State of Montana an amendment to Article Twelve (XII) of the Constitution of the State of Montana, by repealing and striking out Section Three (3) of said Article Twelve (XII), relating to the taxation of mines and mining claims. ....	357, 371, 426, 593.
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334	An Act legalizing and authorizing the use by the County Treasurers in the counties of the State of Montana of posting machines for extension of tax registers of taxes collected, and of loose leaf binders for the preservation of the record so made. ....	357, 373, 425, 426.
335	An Act to permit real property to be redeemed from tax sale by paying the original tax and interest thereon.....	357, 400, 426, 435, 440, 442, 454, 455, 495, 600, 633, 641, 679, 683, 700.
336	An Act to provide for the classification of counties, the fixing of the salaries of certain county officers, the number of deputies to which the various county officers shall be entitled, providing for their appointment, and the salaries of the same; defining the powers of County Commissioners, and the duties of court Stenographers in certain instances, amending Sections 4741, 4767, 4873, 4874, repealing Sections 4869, 4870, 4871, 4875, 4876, 4877, 4878, 4880, 4881, 4882 and 4883 and all Acts and parts of Acts in conflict herewith.....	357, 402.
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349	An Act to amend Section 10832 of the Revised Codes of Montana of 1921, relating to the refusal of public officers to surrender books, papers, and other equipment supplied at public expense to his successor in office and providing a penalty therefor.....	379, 401, 439, 442.
350	An Act to amend Section 9353, of Chapter 29, and Section 12005 of Chapter 25, and Section 12010 of Chapter 26, Revised Codes of Montana of 1921, relating to trial, conduct of and conduct of jury after submission of case.	379, 401, 426.
351	An Act to amend Article XII of the Constitution of the State of Montana, relating to revenue and taxation by inserting therein a new section to be known as Section 2½, providing for the taxation of mineral reservations and the right to explore for minerals, and the method for the ascertainment of the value of the same, and submission of the same to the equalified electors of the State of Montana. ....	379, 593.
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353	An Act to amend Section 1760 of the Revised Codes of Montana, 1921, relating to registration fees for motor vehicles and the disposition thereof, and repealing all Acts and parts of Acts in conflict herewith. ....	380, 397, 424, 426. 437, 458, 675, 676.
354	An Act to amend Sections 2382 and 2392 of the Revised Codes of Montana of 1921 relating to the imposition of the tax on gasoline, the collection and disposition thereof, and repealing Sections 2393 and 2394 of the Revised Codes of the State of Montana, 1921.....	380, 397, 424, 425, 426, 437, 439, 440, 453, 454, 495, 603, 635, 672, 676, 692, 694, 697, 699, 710.
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157	An Act to amend Sub-division 2 of Section 6537 of the Revised Codes of Montana of 1921, relating to leases, sales and mortgages of railroad equipment and rolling-stock and providing that the same shall be filed for record in the office of the Secretary of State. ....	325, 389, 447, 468, 475, 523, 557, 569, 573, 606.
158	An Act to provide for the letting of contracts for public printing, fixing the prices therefor, providing for an undertaking for the faithful performance of such contracts, providing a penalty for the violation of this Act, and repealing Section 4482 of the Revised Codes of Montana of 1921. ....	341, 429, 447, 468, 475, 583, 674, 682, 692, 693, 695, 710.
159	An Act to amend Section 11084 of the Revised Codes of Montana of 1921, relating to intoxicating liquors, the regulation, their manufacture, sale and use. ....	341, 369, 427, 429, 473.
160	An Act providing for the Limitation of Mortgages on Growing Crops and the Lien thereon, and amending Section 8290 of the Revised Codes of Montana of 1921 relating to said growing crops. ....	341, 468.
161	An Act amending Section 4390 of the Revised Codes of Montana of 1921, relating to the Creation of New Counties and for the prorating of the debts and assets of such county, and providing for the conforming of all other provisions herein which may be in some particulars in conflict therewith. ....	341, 468, 469, 475, 525, 533.
162	An Act repealing Section 4741 and 4742 of the Political Code of the Revised Codes of Montana of 1921, and providing for the Classification of Counties for the purpose of regulating the Compensation and Salaries of County Officers and for fixing the penalties of officers bonds. ....	341, 389.
163	An Act relating to railroads operating in the State of Montana; requiring such railroads to furnish, on written request, sufficient freight cars for the transportation of property offered for shipment over any railroad line in car load lots, providing a civil liability	



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	and a criminal penalty for failure so to do and repealing all Acts in conflict herewith. ....	341.
164	An Act to submit to the qualified electors of the State of Montana an amendment to Article Twelve (XII) of the Constitution of the State of Montana, by repealing and striking out Section Three (3) of said Article Twelve (XII), relating to the taxation of mines and mining claims. ....	340.
165	An Act to amend Section 11847 of the Revised Codes of Montana, 1921, relating to the matter of charging different offenses, or different statements of the same offense, under separate counts, in one indictment or information, and relating to the matter of requiring the prosecution to elect between different counts.....	368, 389.
166	An Act to amend Section 4143, Revised Codes of Montana, 1921, pertaining to the requirements of Abstractors of Titles relating to the Renewal of Abstractors Bonds. ....	368.
167	An Act to provide for the payment of forfeited shares in Building and Loan Associations. ....	368, 429, 446, 474, 591, 674, 680, 699.
168	An Act providing for the payment of taxes on mortgaged real property before foreclosure of the mortgage, or sale of the property thereunder. ....	368.
169	An Act providing for the payment of taxes on mortgaged personal property before foreclosure of the mortgage, or sale of the property thereunder. ....	368, 428.
170	An Act providing for the separation of the schools for the deaf, dumb and blind, from the schools of the feeble minded; and the locating of the school for the deaf, dumb and blind in some large center of population .....	368, 446, 470.
171	An Act Defining the Meaning of "Property," "Value of Property," "Taxable Value" and "Assessed Value" and other expressions in the limitations upon levying, or in any statute, law, or rule imposing taxes in the State of Montana. ....	368, 428, 468, 469, 475, 487, 514, 566, 598, 616, 666.
172	An Act providing for the consolidation of county offices upon a vote of the qualified electors of the county and providing for the holding of an election for said purpose. ....	368, 468, 469, 476, 507, 534, 566.
173	An Act amending Sections 6453, 6454, and 6455 of the Revised Codes of Montana of 1921, relating to the formation of Religious, Fraternal, Benevolent and Charitable Corporations. ....	368, 392, 446, 447, 474, 522, 571, 594, 606.
174	An Act to permit real property to be redeemed from tax sale by paying the original tax and interest thereon. ....	368.

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175	An Act authorizing the Supreme Court or the Chief Justice thereof to require District Judges to hold Court in districts other than the ones in which they are elected; to designate the Chambers of District Judges and fix the time for holding Court other than the regular terms and repealing Sections 8823 of the Revised Codes of 1921. ....	368.
176	An Act to amend Section 4767, of the Revised Codes of Montana of 1921, relating to the deposit of public funds and regulating the deposits and investments of public moneys. ....	368.
177	An Act to safeguard the funds and securities of the Industrial Accident Board, and constituting the State Treasurer as Treasurer of the said Board, and to amend Section 3000 of the Revised Codes of Montana of 1921. ....	368, 468, 476, 521, 557, 567.
178	An Act relating to the public health, regulating the powers and duties of deputies to the Secretary of the Local boards of health and health officers; providing for the appointment of a Secretary and other employees by the State Board of Health and fixing their compensation, and repealing Sections 2446, 2492, 2493, 2494, 2503, 2504 and 2509 of the Revised Codes of Montana, 1921, and all Acts and parts of Acts in conflict herewith. ....	368.
179	An Act amending Section 340 of the Revised Codes of Montana of 1921, relating to the number, salary, powers and duties of State, County, City and reau of Child and Animal Protection of the State of Montana, and repealing Sections 341 and 344 inclusive of the Revised Codes of Montana of 1921.....	369, 469, 635.
180	An Act amending Section 182 of the Revised Codes of Montana of 1921 relating to the depositing of funds in the hands of the State Treasurer; and providing for the security to be delivered by the banks designated as depositories by the State Depository Board.....	369, 427, 429, 473, 549, 598, 614, 635, 666.
181	An Act to approve, legalize and adopt as the laws of Montana the Revised Codes of Montana of 1921, prepared by the Code Commissioner appointed by the authority of Chapter 195 of the Laws of the Sixteenth Legislative Assembly of Montana of 1919.....	369, 389, 446, 447, 474, 487, 514, 528, 568.
182	An Act to provide for the investment of the Sinking Funds of Counties, Cities and Towns; prescribing the kinds of securities in which such funds shall be invested; and regulating the investment of such sinking funds. ....	369, 468, 469, 476, 502, 534, 554, 580.

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186	An Act to repeal Section 836, Paragraph 7, of the Revised Codes of Montana, 1921, relating to powers and duties of State Board of Education; to repeal Sections 837, 838, 839 and 840 of the Revised Codes of Montana, 1921, relating to the issuance of State Certificates and Life Certificates; to amend Section 944 of the Revised Codes of Montana, 1921, relating to examination, to repeal Section 947 of the Revised Codes of Montana, 1921, relating to temporary State Certificates; to repeal Section 1074 of the Revised Codes of Montana, 1921, relating to Certificate of Qualification, 1086 of the Revised Codes of Montana of 1921, relating to normal training requirement, and 1087 of the Revised Codes of Montana, 1921, relating to suspension of Teachers' Certificates; to amend Chapter 86 of the Political Codes of Montana, 1921, pertaining to State and County Examinations and certificates, and being a Act codifying and amending the school laws of Montana regarding examination and certification of teachers.....	367, 392, 447, 468, 476, 564, 598, 614, 699.
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193	An Act prescribing the form and size of Jury Box No. 1, Jury Box No. 2 and Jury Box No. 3; providing how said Jury Boxes shall be mounted, providing said boxes shall be revolved before drawing capsules therefrom; and repealing all Acts and parts of Acts in conflict herewith. ....	388, 428.
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195	An Act to amend Section 5159 of the Revised Codes of Montana of 1921, relating to the appointment of Boards of Park Commissioners. ....	468, 469, 476, 502, 516, 531, 568.
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# HOUSE JOURNAL

## OF THE

### Eighteenth Legislative Assembly of the State of Montana

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#### FIRST DAY

House of Representatives,  
Helena, Montana, January 1, 1923.

Pursuant to law, at the hour of 12:00 Noon, the House of Representatives of the 18th Legislative Assembly of the State of Montana was called to order by the Honorable C. T. Stewart, Secretary of State, of the State of Montana.

At the request of the Secretary of State, the Reverend Francis Ball, of Lewis and Clark County, offered an invocation.

The Secretary of State then temporarily appointed the following:

James A. Shoemaker, of Yellowstone County, Chief Clerk.

Percy F. Dodds, of Flathead County, Sergeant at Arms.

Raymond T. Nagle, of Lewis and Clark County, Journal Clerk.

The roll was called and all members were found to be present, and presented their certificates of election, except Frank Baker, of Liberty County, Walter Smethurst, of Musselshell County, and John Q. Zuck, of Roosevelt County.

Whereupon the Secretary of State introduced the Honorable Associate Justice W. L. Holloway, who administered the following oath of office to the members present:

"We, the undersigned, do solemnly swear (or affirm) that we will support, protect and defend the Constitution of the United States and the Constitution of the State of Montana, and that we will discharge the duties of our office with fidelity; and that we have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing to procure our nomination or election (or appointment), except necessary and proper expenses expressly authorized by law; that we have not knowingly violated any election law of this state, or procured it to be done by others in our behalf; that we will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to our office other than the compensation allowed by law. So Help Me God."

The foregoing oath was subscribed and sworn to by the following members:

Andrew, John T.; Andrus, W. W.; Armstrong, Bert; Arnold, W. P.; Benedict, Joseph; Bergstrom, Theo.; Bernard, P. N.; Berryman, John J.; Bohling, John B.; Boorman, Carl E.; Bosley, C. A.; Brandjord, I. M.; Bray, Robert; Ericker, R. C.; Buchanan, Frank, Jr.; Buell, H. S.; Burke, D. J.; Buttelman, Wm. H.; Cady, William M.; Caplis, Jno. T.; Carlson, Barney; Carlson, C. E.; Cavanaugh P. J.; Carke, Walter E.; Cowley, Stephen J.; Cronk, John C.; Crumbaker, Calvin; Davis, C. T.; Davis, O. P.; Dean, William; Dell, Wm.; Denny, I. G.; Duffy, James L.; Elliott, Charles H.; English, M. J.; Facey, Florence Kerr; Flynn, W. P.; Fulsher, Dr. Fred R.; Gillette, F. B.; Gillin, John L., Jr.; Goodman, E. H.; Hawley, Herb C.; Hoffman, Joseph; Holton, Albert; Joffray, E. N.; Gullidge, A. O.; Hamilton, Mrs. W. W.; Hanson, Fred; Harris, Orville; Johnson, A. B.; Kelly, Pat A.; Kelly, Robert J.; Kennedy, J. I.; Kenyon, D. C.; Kinville, Sam; Larsen, A. H.; Larson, L. S.; Lease, M. T.; Leavens, Robert; Lemmon, C. A.; Loble, Lester H.; McAfee, J. H.; McCarty, Mrs. Catherine Calk; McCormack, W. S.; McLeod, Angus B.; Maury, Lowndes; Murphy, C. F.; Mush-



bach, J. E.; Myrick, H. D.; Nelson, Frank; O'Connell, W. H.; Oker, Jos.; Ostby, James M.; Peden, W. A.; Perrine, Jas. A.; Pilgeram, Wm. P.; Pope, Walter L.; Rasmussen, Anton; Ridle, M. D.; Rodgers, Henry G.; Roscow, Jessie; Ruffcorn, Wm. M.; Sandy, B. B.; Scharnikow, Edward; Seidensticker, Fred; Smith, Paul W.; Spencer, J. T.; Stoddard, Si; Stoner, Clair; Strange, G. B.; Swift, Charles R.; Taylor, T. T.; Tawney, George P.; Terrett, Julian; Tierney, Wm. P.; Troy, T. J.; Wold, Ole M.

The Secretary of State having called for nominations for Speaker, Charles R. Swift nominated Calvin Crumbaker, and Jos. Oker nominated Edward Scharnikow. There being no other nominations, the Secretary of State declared the nominations closed. The roll was called and the following votes were cast:

For Crumbaker: Andrus, Arnold, Bernard, Berryman, Bohling, Boorman, Bray, Bricker, Buchanan, Buell, Cady, Carlson (Barney), Clarke, Cronk, Davis (G. T.), Dean, Facey, Flynn, Gillette, Gullidge, Hanson, Harris, Hawley, Hoffman, Holton, Johnson, Kennedy, Kenyon, Larsen (A. H.), Larson (L. S.), Lease, Leavens, McAfee, McCormick, McLeod, Myrick, Ostby, Peden, Perrine, Rodgers, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smith, Spencer, Stoner, Strange, Swift, Taylor, Tawney, Troy, Wold. Total, 53.

For Scharnikow: Andrew, Armstrong, Benedict, Bergstrom, Bosley, Brandjord, Burke, Buttelman, Caplis, Carlson (C. E.), Cavanaugh, Cowley, Crumbaker, Davis (O. P.), Dell, Denny, Duffy, Elliott, English, Fulsher, Gillin, Goodman, Hamilton, Joffray, Kelly (Pat A.), Kelly (Robert J.), Kinville, Lemmon, Loble, McCarty, Maury, Murphy, Mushbach, Nelson, O'Connell, Oker, Pilgeram, Pope, Rasmussen, Ridle, Roscow, Stoddard, Terrett, Tierney. Total, 44.

Absent and not voting: Baker, Smethurst, Zuck. Total, 3.

The Secretary of State appointed Scharnikow and Gullidge as a committee to escort Mr. Speaker to the chair.

Mr. Speaker having assumed the chair, Swift submitted the following motion, which was duly seconded and carried:

"Mr. Speaker.

I move that the rules and joint rules and order of business of the 17th Legislative Assembly be accepted as the Rules and Joint Rules and Order of Business of the 18th Legislative Assembly until a Committee on Rules and Joint Rules and Order of Business shall report."

A committee from the Senate announced that the Senate had organized and was ready for business.

Moved by Swift, duly seconded and carried that the following Republican nominees be elected as officers and attaches:

Speaker Pro Tem—A. O. Gullidge.

Floor Leader—C. R. Swift.

Chaplain—F. E. Ball.

Sergeant at Arms—Percy F. Dodds.

Assistant Sergeant at Arms—Chas. Acklemire.

Chief Clerk—James A. Shoemaker.

Asst. Chief Clerk—H. J. Faust.

Reading Clerk—John Meeke.

Journal Clerk—Raymond T. Nagle.

Enrolling Clerk—Wm. R. Woods.

Engrossing Clerk—Helen Sanders.

Bill Clerk—George Graham.

Printing Clerk—Geo. H. Coulter.

Door Keepers—Jack Johnson, D. A. Crites.

Pages—Daniel Crowley, Sterling De Pratu.

Moved by Oker, duly seconded and carried, that the following Democratic nominees be elected as officers and attaches:

Speaker—Edw. Scharnikow.

Speaker Pro Tem—C. E. Carlson.

Chief Clerk—W. J. Walsh.

Asst. Chief Clerk—C. E. Pond.

Sergeant at Arms—J. L. DeHart.

Asst. Sergeant at Arms—Lewis J. Sedlacek.

Journal Clerk—Mrs. Wm. Cave.

Assistant Journal Clerk—L. C. Carroll.

Enrolling Clerk—Mrs. Huyck.

Asst. Enrolling Clerk—

Engrossing Clerk—Mrs. Josephine Spriggs.

Reading Clerk—J. Mickelson.

Printing Clerk—E. F. Gross.

Doorkeeper—Jas. Kane.

Assistant Doorkeepers—Wallace, Birkhead, W. C. Delphi.

Chaplain—Reverend James G. Tougas.

Moved by Gullidge, duly seconded and carried that the Chief Clerk be instructed to cast 53 votes for the Republican nominees and 44 votes for the Democratic nominees. The vote was so cast.

Moved by Swift, duly seconded and carried, that a Committee of three be appointed to notify His Excellency the Governor that the House had been organized and was ready for any message that he may wish to convey.

Moved by Swift, duly seconded and carried that a committee of three be appointed to notify the Honorable Senate that the House was duly organized and ready for business.

Moved by Swift, duly seconded and carried, that the Speaker be authorized to appoint a stenographer and page for work in connection with his office.

Mr. Speaker named the Committee on House Employees as follows:

Boorman, Cascade County.

McAfee, Flathead County.

Hanson, Daniels County.

Stoner—Sheridan County.

Brandjord, Missoula County.

Mr. Speaker then named the following committee to notify the Governor of organization.

Arnold, Rogers, Duffy.

Mr. Speaker also named the following committee to notify the Senate of organization:

Buell, Bernard, Scharnikow.

Upon explanation by Hanson that Zuck was ill and therefore not able to appear, and there being no objection, Mr. Zuck was excused until his recovery.

Moved by Gullidge, duly seconded and carried that a committee be appointed from the members of the House to inquire after Mr. Zuck and to send flowers.

Moved by McCormack, duly seconded and carried, that the House recess for fifteen minutes.

### HOUSE RESUMED.

The House resumed at 1:20 P. M.

Mr. Speaker in the chair.

Smethurst, of Musselshell County, appeared and subscribed and swore to the oath of office.

The committee appointed to notify the Senate of organization reported its duty performed.

The committee appointed to notify His Excellency the Governor of organization reported that His Excellency the Governor requested that a joint session be not held until Tuesday at 11:00 A. M. at which time he would be ready to appear.

Mr. Speaker then named as members of the Committee on Rules and Joint Rules and Order of Business the following:

Buell, chairman; Mr. Speaker, Swift, Gullidge, Scharnikow.

### COMMUNICATIONS:

The Chief Clerk presented the following communication, which was referred to the Committee on House Employees:

Helena, Montana,  
January 1, 1923.

To the Members of the House of Representatives of the  
Eighteenth Legislative Assembly of the State of Montana:

We hereby submit to your Honorable Body the following bid:

To do the stenographic-clerical work of the House of Representatives for  
\$7,950.60, or sixty per cent of the actual cost to the State of Montana for the

same work two years ago, thereby saving the State of Montana \$5300.40 for the House. This includes everything below the chief clerk and his assistant.

In order that there may be some tangible guarantee that this work will be properly and correctly done, we propose to give, if asked, a bond in an amount to be agreed upon, conditioned that said stenographic-clerical work shall be performed in strict conformity with the rules of the House of the Eighteenth Assembly, and the practice heretofore prevailing.

Respectfully submitted,

MARVIN & HAWKINS."

### NOTICES.

Oker gave notice that he would on tomorrow or some subsequent day introduce a bill and a memorial as follows:

"A Memorial to the Congress of the United States asking for the repeal of the Federal Inheritance Tax law and reserving to the several states the sole right and privilege to levy and collect such taxes."

"A Bill for an Act entitled: 'An Act relating to taxation and the regulating of the sale of property for taxes delinquent in the year 1922, and remitting the penalty for such delinquent taxes for said year if paid before October 1, 1923.' "

Mr. Speaker then named the following committee to visit Zuck and procure flowers for him:

Gullidge, Hanson, Duffy.

Moved by Gullidge, duly seconded and carried, that the House adjourn until 10:30 A. M., Tuesday, January 2.

CALVIN CRUMBAKER, Speaker.

Attest: JAMES A. SHOEMAKER, Chief Clerk.

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### SECOND DAY

House of Representatives,  
January 2, 1923.

House met pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Reading of the Journal was dispensed with until Wednesday, January 3.

On roll call all members present except: Baker, Cowley, and Davis of Fergus, absent; Zuck, excused.

Mr. Speaker named the following as members of the Committee on Mileage and Per Diem:

Flynn, chairman; Clarke, Larsen of Sheridan, Nelson, O'Connell.

### INTRODUCTION OF BILLS AND MEMORIALS.

The following bill was introduced, read first and second times by title only and referred to Committee on Revenue and Taxation:

House Bill No. 1, by Oker: "A Bill for an Act entitled: 'An Act relating to Taxation and the regulating of the sale of property for taxes delinquent in the year 1922, and remitting the penalty for such delinquent taxes for said year if paid before October 1, 1923.' "

House Joint Memorial No. 1, by Oker: "Relating to the Federal Inheritance Tax Law, etc."

Was read and referred to the Committee on Revenue and Taxation.

Moved by Gullidge, duly seconded and carried that the House recess until called by Mr. Speaker.



## HOUSE RESUMED.

House resumed at 11:00 A. M.

Mr. Speaker in the chair.

The committee appointed on January 1st to notify the Senate of organization was requested to notify the Senate that the House was ready to receive them in joint session.

A committee from the Senate announced that the Senate was ready to meet with the House in joint session to hear His Excellency Governor Dixon's message.

The committee appointed to notify the Senate reported its duty performed.

The Sergeant at Arms of the Senate appeared and announced that the Senate was ready to convene in joint session. The members of the Senate then appeared and occupied seats with the members of the House.

Mr. Speaker announced that the Lieutenant Governor, Nelson Story, Jr., presiding officer of the Senate, would preside over the joint session.

The Secretary of the Senate called the roll of the Senate and the Chief Clerk of the House called the roll of the House. A quorum of both Houses being present, the joint session convened.

Moved by Buell, of Gallatin, duly seconded and carried that a committee be appointed, to consist of two Senators and two Representatives, to notify his Excellency the Governor that the members of the Senate and the House were in joint session and were ready to hear his message. The Lieutenant Governor appointed:

Senator Harmon, Senator Duncan, Representative Crumbaker, Representative Scharnikow.

His Excellency Governor Joseph M. Dixon then appeared, was escorted to the Chief Clerk's desk, was introduced by Lieutenant Governor Story, and delivered his message to the members of the Senate and House in joint session assembled.

Upon the completion of the Governor's message, it was moved by Senator Harmon, duly seconded and carried that 5,000 copies of the Governor's message be printed for distribution.

Moved by Senator Harmon, duly seconded and carried that the joint assembly dissolve and that the members of the Senate retire from the hall of the House.

Moved by Gullidge, duly seconded and carried that the House adjourn until 11:00 A. M. Wednesday, January 3.

CALVIN CRUMBAKER, Speaker.

Attest: JAMES A. SHOEMAKER, Chief Clerk.

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THIRD DAY

House of Representatives,  
Helena, Montana, January 3, 1923.

House met pursuant to adjournment at 11:00 A. M.

Mr. Speaker in the chair.

Invocation by the Chaplain.

On roll call all members were found to be present except: Baker, absent; Zuck, excused.

The Journal for Monday, January 1, and for Tuesday, January 2, was read, and there being no corrections, it was approved.

## COMMUNICATIONS AND PETITIONS.

## COMMUNICATIONS FROM THE SENATE.

"Helena, Montana, January 2nd, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that on motion of Senator Healy, duly made, seconded and carried, the President ap-

pointed Senators Healy, Stewart, T. P. and Paul to draft suitable resolutions on the death of former Senator C. F. Hefferlin, of Park County.

Respectfully yours,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, January 2nd, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate was duly organized on the 1st day of January, 1923, by the election of Senator W. E. Harmon, as President Pro Tem, and the election of the following officers and attaches:

Secretary of the Senate—J. F. Cone.

Asst. Secretary of the Senate—George Lester, Jr.

Sergeant at Arms—John Allen.

Chaplain—John Chirgwin.

Journal Clerk—J. E. Bailey.

Asst. Journal Clerk—Gertrude Ashby.

Bill Clerk—Mrs. Roode.

Stenographers—Florence Stephens, Lois B. Brantly, John F. Crowley, Florence Ingalls, Rovina Blackwood.

Pages—Horrell Coulter, Barten Felter.

The following committees were named:

Committee on Committees—Leuthold, Cowan and Hazelbaker.

Committee on Employment—Griffin, Henderson and Oliver.

Committee on Seating—Haley, Kirton, Greening.

Respectfully yours,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, January 2nd, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that on motion of Senator Harmon, duly seconded and carried, the rules of the Seventeenth Legislative Assembly were adopted as temporary rules of the Senate, until the report of the Committee on Rules shall be adopted.

Respectfully yours,

J. F. CONE, Secretary of the Senate."

#### NOTICES.

Authors gave notice that they will on tomorrow or some subsequent day introduce bills as follows:

By Pope: "A Bill for an Act entitled: 'An Act making public officers personally liable for failure to provide or maintain sinking funds for public bonds.' "

By Brandjord: "A Bill for an Act relating to the investment of the permanent common school fund and of the other permanent institution funds of the state; prescribing the kinds of securities in which these funds shall be invested; requiring some of these securities to be payable on the amortization plan; authorizing the converting of bonds and farm mortgages now held by the state into amortization bonds and mortgages; and amending and re-enacting Sections 1923, 1930 and 1932 of the Revised Codes of Montana of 1921."

By Bray: "A Bill for an Act entitled: 'An Act to establish schedules for "County Printing Contracts" and repeal Section 4482 of the Political Code of Montana.' "

By Loble: "A Bill for an Act providing for the protection and assistance of aged persons, under certain conditions in the State of Montana; providing for the manner thereof, prescribing penalties for the violation of the provisions thereof—Said Bill to be known and cited as the Old Age Pension Act."

By Kenyon: "A Bill for an Act entitled: 'An Act to amend Section 9443 of the Revised Codes of Montana of 1921 relating to the redemption of property from execution, or foreclosure sales.' "

By Kenyon: "A Bill for an Act to amend Section 4916 of the Revised Codes of Montana of 1921 relating to fees of sheriffs."

By Maury: "A Bill for an Act entitled: 'An Act to repeal Sections 671, 672, 673, 674, 675 and 676 of the Revised Codes of Montana of 1921, these sections now being what was initiated measure entitled, "A Bill to propose by initiative petition a law to provide for the expression by the people of the State of Montana of their preferences of party candidates for President and Vice-President of the United States, the election of delegates to presidential conventions and the nomination of presidential electors by direct vote" initiated and passed by the people of the State of Montana at the General Election of 1912.' "

By McCarty: "A Bill for an Act entitled: 'An Act relating to Farm Labor Liens upon growing crops and providing for liens for services performed upon growing crops.' "

By McCarty: "A Bill for an Act entitled: 'An Act prohibiting the introduction into, the manufacture of, and the giving, exchanging, bartering, selling or disposing of ardent spirits, ale, beer, wine or intoxicating liquors within the State of Montana and providing penalties for the violation thereof.' "

### REPORTS OF STANDING COMMITTEES.

The Committee on House Employment reported as follows:

"Helena, Montana, January 3, 1923.

To the House of Representatives:

We, your Committee on House Employment have engaged the following employees to serve so long as their services are satisfactory and necessary:

Second Assistant Sergeant at Arms—Wm. Dryburgh, Lewis and Clark Co.

First Assistant Journal Clerk—Miss Ima McCarthy, Broadwater County.

Janitor—William Stume, Cascade Co.

Assistant Janitors—D. J. Gillies, Madison County; Nels J. Ness, Lewis and Clark Co.; Wm. Murphy, Jefferson Co.

Watchman—E. F. Gross, Missoula Co.

Stenographer to the Bill Clerk—Miss Alice Pomeroy, Flathead Co.

Stenographer-Clerk for Sergeant at Arms Office—Charles Lamb, Sweetgrass Co.

Stenographer for Chief Clerk—Miss Thone Kirkley, Daniels Co.

Committee and General Stenographers—Miss Minnie Bowers, Lewis and Clark Co.; Ethel L. Langdorf, Lewis and Clark Co.; Blanch Simpson, Lewis and Clark Co.; Mr. M. Michaels, Hill.

Telephone Operator—Mrs. Ella Hosch, Lewis and Clark Co.

BOORMAN, Chairman.

BRANDJORD

HANSEN

McAFEE

STONER."

"Helena, Montana, January 3, 1923.

To the House of Representatives:

We, your Committee on House Employees, report as follows:

It will be the policy of this committee to employ only such help, which careful investigation and consultation with the Sergeant of Arms and the Chief Clerk, may prove that we need for the transaction of the business of the House, with dispatch.

We will endeavor to employ only such persons who are highly qualified for the positions which they seek.

Whereas Rules 4 and 5 give the general supervision of the house employees to the Chief Clerk and the Sergeant at Arms, we respectfully request that the Sergeant-at-Arms put into effect the necessary rules and regulations which will insure that each and every employee give a full day's work for a full day's pay.

BOORMAN, Chairman.

BRANDJORD

HANSEN

McAFEE

STONER."



## INTRODUCTION OF BILLS AND MEMORIALS.

Upon request of Gullidge, and with unanimous consent, the following bills were introduced without notice, read the first and second times, and referred to the Committee on Appropriations:

H. B. No. 2, by Gullidge: "A Bill for an Act entitled: 'An Act to appropriate money for the payment of mileage and per diem of the members of the Eighteenth Legislative Assembly of the State of Montana.' "

H. B. No. 3, by Kennedy: "A Bill for an Act entitled: 'An Act to appropriate money for the payment of the Per Diem of the officers and attaches of the Eighteenth Legislative Assembly of the State of Montana.' "

H. B. No. 4, by Spencer: "A Bill for an Act entitled: 'An Act to appropriate money for the incidental expenses of the Eighteenth Legislative Assembly of the State of Montana.' "

Moved by Gullidge, duly seconded and carried that the House recess until 2:00 P. M.

## AFTERNOON SESSION.

House resumed at 2 P. M.

Mr. Speaker in the chair.

Upon request of Gullidge, and with unanimous consent, reverted to:

## MOTIONS AND RESOLUTIONS

Moved by Gullidge, duly seconded and carried that a committee of three be appointed to have printed and placed daily upon the desks of the members copies of the journal sheets and the history of bills.

Mr. Speaker named the following as members of the Committee on Appropriations:

Buell, chairman; Lease, Bricker, Wold, Hoffman, Johnson, Hawley, Cronk, Carlson of Gallatin, Loble, Elliott, Duffy, Terrett, Kelly of Pondera, McCarty.

Mr. Speaker named the following as members of the Committee on Revenue and Taxation:

Swift, chairman; Strange, Ruffcorn, Buchanan, McCormack, Facey, Hanson, Peden, Holton, Scharnikow, Buttelman, Bosley, Maury, Brandjord, Lemmon.

Mr. Speaker named the following as members of the Committee on Journal Sheets and Status of Bills:

Spencer, chairman; Stoddard, Bray.

With unanimous consent, reverted to:

## NOTICES.

Authors gave notice that they will on tomorrow or some subsequent day introduce bills as follows:

By Hamilton: "A Bill for an Act entitled: 'An Act to amend Section 4482, of Chapter 11, Part IV, of the Revised Political Code, 1921, relating to contracts for Country Printing.' "

By Brandjord: "A Bill for an Act providing for the amortization plan of payment for State lands; setting forth the contents of Certificates of Purchase; authorizing certificates of purchase now outstanding to be converted into new Amortization Certificates; and amending and re-enacting Section 1860 and Section 1861 of the Revised Codes of Montana of 1921."

With unanimous consent, reverted to:

## INTRODUCTION OF BILLS AND MEMORIALS.

Upon request of Swift, and with unanimous consent, the following bill was introduced without notice, read first and second times and referred to the Committee on Revenue and Taxation:

H. B. No. 5, by Swift: "A Bill for an Act entitled: 'An Act relating to the State Board of Equalization, providing for the appointment and fixing the terms and salaries of the members thereof, prescribing its powers and duties and repealing Section 113, and repealing or modifying such other Sections of the Revised Codes of Montana of 1921, as conflict with the provisions of this Act insofar as they conflict or are inconsistent therewith.' "

Moved by Swift, duly seconded and carried that the House adjourn until 11:00 A. M. Thursday, January 4.

CALVIN CRUMBAKER, Speaker.

Attest: JAMES A. SHOEMAKER, Chief Clerk.

#### FOURTH DAY

House of Representatives,  
January 4, 1923.

House met pursuant to adjournment at 11:00 A. M.

Mr. Speaker in the chair.

Prayer by the Chaplain.

On roll call all members present except: Zuck, excused. Frank Baker of Liberty County, answered roll call and took the oath.

Moved by Swift, seconded and carried that Journal for January 3, be considered read and approved.

Mr. Speaker named committees as follows:

Enrollment—McAfee, chairman; Bohling, Carlson of McCone, Dell, Bergstrom.

Engrossing—Larson of Richland, chairman; Larsen of Sheridan, Strange, Rasmussen, Smethurst.

Printing—Bray, chairman; Spencer, Sandy, Bernard, Stoddard, Hamilton, Caplis.

Development and Publicity—Perrine, Gillette, Buell, Carlson of McCone, Hanson, Swift, Bergstrom, Pilgeram, Tierney.

#### COMMUNICATIONS AND PETITIONS.

#### COMMUNICATIONS FROM THE SENATE.

"Helena, Montana, January 3, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate Committee on employment reported as follows:

Engrossing—W. N. Trudeau, Clerk; Alta Sanders, Asst. Clerk.

Asst. Sergeant at Arms—A. J. Williams, Burt Heathington, Frank A. Jones.

Enrolling—Margaret Walsh, Clerk; Lois B. Brantley, Asst. Clerk.

Pages—Arthur Montgomery, John Earl.

Printing—J. E. Stevens, Clerk; Ira A. Gwin, Asst. Clerk.

Stenographers—Margaret Lacey, Mae McCormick, Julia Bennett, Martha West, Mabel C. Huyck.

Doorkeepers—Robert Kennon, A. D. McCarthy, Tom Chestnut, John Zimmermann.

Clerks—T. J. Bushnell, Tom Bogy.

Watchman—Sam Etcharrin.

Stenographer to Secretary of Senate—Mrs. W. T. Gutz.

Janitors—Joe Percy, Walter Rosencrans, John Duffy.

Yours respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, January 3, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate Committee on Committees reported as follows:

Committee on Finance and Claims—Heren, Chairman; Pauline, Vice-chairman; Greening, Paul, Cowan, Harmon, Leuthold, Page, Muffly.  
 Mileage and Per Diem—Esp, Chairman; Consor, Watson.  
 Journal Committee—Page, Chairman; Staggs, Taylor.  
 Committee on Rules—Harmon, Chairman; Paul, Church.

Yours respectfully,

J. F. CONE, Secretary of the Senate."

#### OTHER COMMUNICATIONS.

"Helena, Montana, January 4, 1923.

To the Officers and Members,  
 House of Representatives,  
 Helena, Montana.  
 Gentlemen:

You are cordially invited to attend a public meeting of the Lewis and Clark County Taxpayers League, to be held at the Helena Auditorium, this evening, January 4th, at 8 o'clock, for the discussion of taxation and public expenditures.

Respectfully,

LEWIS & CLARK CO. TAXPAYERS LEAGUE.  
 By WM. MUTH, President."

#### NOTICES.

Authors gave notice that they will on tomorrow or some subsequent day introduce bills as follows:

By Spencer: "A Bill for an Act entitled: 'An Act to repeal Sections 1262-1301 of the Revised Codes of Montana, relating to the establishment and maintenance of free County High Schools.' "

By Kenyon: "A Bill for an Act entitled: 'An Act to authorize and empower Boards of Trustees of School Districts to establish Endowment Funds, defining same, limiting the uses thereof, providing for the investment of endowment funds in securities, and defining the duties of the county treasurers with relation thereto, and providing for memorials to patrons of endowment funds.' "

By Goodman: "A Bill for an Act entitled: 'An Act to amend Section 1294 of the Revised Code of 1921 relating to the consolidation of the offices of superintendent of city schools or county high schools in certain cases.' "

By Goodman: "A Bill for an Act entitled: 'An Act to amend Section 8890 of the Revised Codes of 1921, prescribing the qualifications of jurors.' "

By Brandjord: "A Bill for an Act entitled: 'An Act to submit to the qualified electors of the State of Montana, an Amendment to the Constitution of the State of Montana, adding thereto a new Article, providing for the acceptance and administration by the State of gifts, donations, grants and legacies for the creation of a State Permanent Revenue Fund, for the creation of a State Permanent School Fund, for the creation of a Permanent Revenue Fund for the University of Montana, and for the benefit of other useful, benovelent and worthy objects and authorizing the State to administer other funds together with those hereinbefore indicated.' "

By Gullidge: "A Bill for an Act entitled: 'An Act to amend Sections 1280 and 1282 of the Revised Codes of Montana, relating to support of District High Schools.' "

#### REPORTS OF STANDING COMMITTEES.

The Committee on House Employment reported as follows:

"The Committee on House Employment has this day selected the following employees:

Assistant Enrolling Clerk—Ernest McCuin, Broadwater County.

Assistant Engrossing Clerk—R. T. Cottingham, Park County.

Assistant Printing Clerk—D. C. Morris, Choteau County.

Proofreader—Lula Cave, Missoula County.

Pages—Lester Fairbanks, Lewis & Clark Co.; Robert Luke (Scoop) Cascade County.



Elevator operators—W. L. Abare, J. B. Cates.

Asst. Postmaster (employed jointly with Senate)—Tony York.

Respectfully,

BOORMAN, Chairman.  
BRANDJORD  
HANSON  
McAFEE  
STONER."

On motion of Boorman, report adopted.

## INTRODUCTION OF BILLS AND MEMORIALS.

The following bills were introduced, read first and second times by title only, and referred to committees as follows:

H. B. No. 6, by Kenyon: "A Bill for an Act entitled: 'An Act to amend Section 4916 of the Revised Codes of Montana of 1921, relating to fees of sheriffs.' " (Committee on Townships and Counties.)

H. B. No. 7, by Kenyon: "A Bill for an Act entitled: 'An Act to amend Section 9443 of the Revised Codes of Montana of 1921 relating to redemption of property from execution sales, or foreclosure sales.' " (Committee on Judiciary.)

H. B. No. 8, by Maury: "A Bill for an Act entitled: 'An Act to repeal Sections 671, 672, 673, 674, 675, and 676 of the Revised Codes of Montana of 1921, these sections now being what was initiative measure entitled: "A Bill to propose by initiative petition a law to provide for the expression by the people of the State of Montana of their preferences of party candidates for President and Vice President of the United States, the election of delegates to presidential conventions and the nomination of presidential electors by direct vote," initiated and passed by the people of the State of Montana at the general election of 1912.' " (Committee on Privileges and Elections.)

Upon request of Buell, with unanimous consent, reverted to:

## REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received:

"January 4, 1923.

Mr. Speaker:

We, your Committee on Appropriations having had under consideration House Bill No. 2, by Gullidge: "A Bill for an Act entitled: 'An Act to appropriate money for the payment of mileage and per diem of the members of the Eighteenth Legislative Assembly of the State of Montana,' " respectfully report as follows:

That House Bill No. 2 do pass.

BUELL, Chairman."

On motion of Buell, report adopted.

"January 4, 1923.

Mr. Speaker:

We, your Committee on Appropriations, having had under consideration House Bill No. 3, by Kennedy: "A Bill for an Act entitled: 'An Act to appropriate money for the payment of the Per Diem of the officers and attaches of the Eighteenth Legislative Assembly of the State of Montana,' " respectfully report as follows: That House Bill No. 3 be amended by striking out in Section 1 the sum of Fifty-five Thousand Dollars (\$55,000.00) and inserting in lieu thereof the sum of Thirty-five Thousand Dollars (\$35,000.00), and do pass as amended.

BUELL, Chairman."

On motion of Buell, report adopted.

"January 4, 1923.

Mr. Speaker:

We, your Committee on Appropriations, having had under consideration House Bill 4, by Spencer, "A Bill for an Act entitled: 'An Act to appropriate

money for the incidental expenses of the Eighteenth Legislative Assembly of the State of Montana," respectfully report as follows; That House Bill No. 4 do pass.  
 BUELL, Chairman."

On motion of Buell, report adopted.

### MOTIONS AND RESOLUTIONS.

Moved by Gillette, duly seconded and carried, that a committee of three be appointed to act with a like committee from the Senate, to consider the civil administration of the State Government and make to the legislative assembly, recommendations as to the possibility of consolidation and elimination of state departments and offices and such other reductions in expenditures as may be possible, and the Joint committee may appoint such additional sub-committees from the House membership and assign to each sub-committee such department, office or state activity as shall to them seem advisable.

Moved by Swift, duly seconded and carried, that the House adjourn until 11:00 o'clock A. M. Friday, Jan. 5, 1923.

CALVIN CRUMBAKER, Speaker.

Attest: JAMES A. SHOEMAKER, Chief Clerk.

### FIFTH DAY

House of Representatives.  
 January 5, 1923.

House met pursuant to adjournment at 11:00 A. M.

Mr. Speaker in the chair.

Prayer by the Chaplain.

On roll call all members present except: Andrus, Wold and Zuck, excused.

Moved by Boorman, duly seconded and carried, that the Journal for Thursday, January 4th, be considered read and approved.

The Committee on printing reported H. B. Nos. 2 and 4 correctly printed.

On request of Gullidge, with unanimous consent, reverted to:

### CONSIDERATION OF GENERAL ORDERS.

Moved by Gullidge, duly seconded and carried, that House resolve itself into Committee of the Whole.

Gullidge in the chair.

Committee arose.

House resumed.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

"Mr. Speaker:

The Committee of the Whole having had under consideration H. B. No. 2, report back with the recommendation that it do pass.

Also having had under consideration H. B. No. 4, report back with a recommendation that it do pass.

GULLIDGE, Chairman."

On motion of Gullidge, report was adopted.

Moved by Gullidge, duly seconded and carried, that House Bills Nos. 2 and 4 be considered correctly engrossed and placed upon third reading.

Upon request of Gullidge, with unanimous consent, reverted to:

### THIRD READING OF HOUSE BILLS.

H. B. No. 2, by Gullidge, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Buell, Burke, Buttelman, Cady, Caplis, Carlson of Gallatin, Carlson of McCone, Cavanaugh, Clarke, Cowley, Cronk, Davis of Fergus, Davis of Wibaux, Dean, Dell,

Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gillette, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly of Pondera, Kelly of Silver Bow, Kennedy, Kenyon, Kinville, Larson of Richland, Larsen of Sheridan, Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormick, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Mr. Speaker. Total, 97.

Noes: None.

Absent and not voting: Andrus, Wold, Zuck. Total, 3.

H. B. No. 4, by Spencer, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosdey, Brandjord, Bray Bricker, Buchanan, Buell, Burke, Buttleman, Cady, Caplis, Carlson of Gallatin, Carlson of McCone, Cavanaugh, Clarke, Cowley, Cronk, Davis of Fergus, Davis of Wibaux, Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gillette, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly of Pondera, Kelly of Silver Bow, Kennedy, Kenyon, Kinville, Larson of Richland, Larsen of Sheridan, Lease, Leavens, Lemmon, Loble, McAfee, McCormick, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Mr. Speaker. Total, 96.

Noes: None.

Absent and not voting: Andrus, McCarthy, Wold, Zuck. Total, 4.

Upon request of Spencer, with unanimous consent, reverted to:

#### REPORTS OF SELECT COMMITTEES.

The Special Committee on Journal and Status of Bills reported as follows:

"Mr. Speaker:

Your select committee on daily journal sheets and status of bills, reports progress and asks extension of time.

SPENCER, Chairman."

On motion of Spencer, report adopted.

With unanimous consent, reverted to:

#### REPORTS OF STANDING COMMITTEES.

The following report of Committee on House Employment was received:

"To the House of Representatives:

Committee on House Employment beg to report that they have engaged the following employees subject to your approval commencing today effective so long as their services are necessary and satisfactory:

Proof reader: Mrs. Elizabeth Drake, Lewis and Clark Co.

Page: Francis T. Skahan, Missoula Co.

Stenographers and Typists: Edward V. Ahern, Lewis and Clark Co.; Ada Renshaw, Mussellshell Co.; Vivian E. Wirth, Lewis and Clark Co.; Gertrude E. Feeney, Flathead Co.; Jeanette Gillan, Cascade Co.; Helen Penland, Cascade Co.; Myra Connolly, Toole Co.; Ruby O'Flynn, Silver Bow Co.

BOORMAN, Chairman."

On motion of Boorman, report adopted.

Moved by Oker, duly seconded and carried, that the House call for a report from the Employment Committee, on the matter of the proposal submitted by Marvin & Hawkins to do the stenographic-clerical work of the House.

Moved by Boorman, seconded and carried, that the proposal of Marvin & Hawkins be re-referred to the Judiciary Committee.



Upon request of Scharnikow, with unanimous consent, reverted to the first order of business to proceed regularly therefrom.

### COMMUNICATIONS AND PETITIONS

#### COMMUNICATIONS FROM THE SENATE.

"Helena, Montana, January 3, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following notices were this day introduced.

By Page: An Act providing for the submission to the qualified electors of the State of Montana, an amendment to Article 9 of the Constitution of the State of Montana, by adding a new clause to be numbered Section 14 of said article, providing for the recall of Public Officers.

By Stewart of Meagher: I hereby give notice that I will on tomorrow or some subsequent day introduce a Bill for an Act Entitled, "An Act amending Section 2182, and repealing Sections 2183 and 2188 of the Revised Codes of Montana, 1921, all relating to taxation; abolishing the publication of delinquent tax lists, and repealing all acts in conflict herewith."

By Demel: A bill for an act entitled an act providing for the security of depositors in the banks organized or existing under the laws of Montana, creating the bank depositors' guarantee fund of Montana, and providing regulations therefor, and penalties for violation thereof, and to be known as the Bank Depositors' Guarantee Law."

By Demel: A bill for an act, entitled an act to fix the time and method of collecting taxes and interest thereon, of foreclosure of tax liens upon the non-payment of taxes and repealing the law requiring publication of the delinquent tax list and penalties.

Yours respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, January 4, 1923.

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that upon motion of Sen. Pauline duly seconded and carried, the president was authorized to appoint a committee of three to act with a like committee from the House to consider the civil administration of the state government and make to the legislative assembly recommendations as to the possibility of consolidation and elimination of state departments and offices and such other reductions in expenditures as may be possible, and the joint committee may appoint such additional sub-committees and assign to each sub-committee such department, office or state activity as shall to them seem advisable.

Yours respectfully,

J. F. CONE, Secretary of the Senate."

### NOTICES

Authors gave notice that they will on tomorrow or some subsequent day introduce bills as follows:

By Troy: "A Bill for an Act entitled: 'An Act to fix the time and method of collecting taxes, and interest on deferred payment of taxes, of selling property for the non-payment of taxes, repealing the law for the imposition of the ten per cent penalty on delinquent taxes and repealing all other laws in conflict herewith.'"

By Loble: "A Bill for an Act entitled: 'An Act to amend Section 933 of the Revised Codes of Montana, 1921, relating to the official staff of the superintendent of public instruction.'"

By Nelson: "A Bill for an Act entitled: 'An Act to amend Sections 640, 641, 645, 651 and 652 of the Revised Codes of Montana of 1921, and to repeal Sections 642 and 643 of said Codes, all relating to primary elections.'"

By Benedict: "A Bill for an Act entitled: 'An Act abolishing the office of State Epidemeologist and repealing Sections 2540 to 2542 inclusive of the Revised Codes of Montana of 1921.'"

By Facey, Roscow, Hamilton and McCarty: "A Bill for an Act entitled: 'An Act amending Sections 8883, 8885, 8886, 8887, 8889 of Chapter 13 and Sections 8890 and 8894 of Chapter 14 of the Revised Codes of Montana of 1921 relating to different kinds of jury defined and qualifications and exemptions of jurors.'"

By Armstrong: "A Bill for an Act entitled: 'An Act to establish the ratio of taxable valuation to assessed valuation of land and improvements thereon.'"

By Ridle: "A Bill for an Act entitled: 'An Act to amend Section 340 of the Revised Codes of Montana, 1921, relating to the number, salary, powers and duties of deputies to the secretary of the bureau of child and animal protection of the State of Montana, and repealing Sections 341 to 344 inclusive of the Revised Codes of Montana, 1921.'"

By Pilgeram: "A Bill for an Act entitled: 'An Act to amend Section 1005 of the Revised Codes of Montana of 1921, relating to organization of school trustee boards.'"

By Bosley: "A Bill for an Act entitled: 'An Act making the clerk of the State Board of Examiners the clerk for the State Board of Pardons, the State Board of Commissioners for the Insane and the State Board of Prison Commissioners, and repealing Section 123, Revised Codes of Montana, 1921.'"

By Bosley: "A Bill for an Act entitled: 'An Act providing for the licensing of operators of motor vehicles, and suspension and revocation of such licenses in certain cases.'"

By Scharnikow: "A Bill for an Act entitled: 'An Act to repeal Section 268 of the Revised Codes of Montana of 1921, relating to the employment of clerical help for state officers, and Sections 273 to 275 inclusive of said code, relating to the employment and compensation of assistants to civil executive officers.'"

By Maury: "A Bill for an Act entitled: 'An Act authorizing the city or town council of all cities and towns to create and maintain a police department, and provide for the exclusive management and control thereof, the appointment, compensation, regulation, discipline and removal of all members thereof, and repealing Sections 5097 to 5101 inclusive and Sections 5105 to 5108 inclusive of the Revised Codes of Montana of 1921, and all acts or parts of acts in conflict herewith.'"

By Maury: "A Bill for an Act entitled: 'An Act to repeal every one of Sections 1783 to 1802, inclusive, being Chapter 139, of the Revised Codes of 1921, such sections and chapter being also known as the State Highway Commission act.'"

#### REPORTS OF STANDING COMMITTEES.

The following report of standing committee was received:

"Mr. Speaker:

We, your Committee on Mileage and Per Diem, beg leave to submit the following report, indicating the number of miles traveled by the following members of the House and the sums due them therefor:

Name—City.	Miles.	Amount.
Andrew, John T., Butte.....	146@10c	\$ 14.60
Andrus, W. W., Miles City .....	770@10c	77.00
Armstrong, Bert., Livingston .....	246@10c	24.60
Arnold, W. P., Richey .....	1136@10c	113.60
Baker, Frank, Chester .....	480@10c	48.00
Benedict, Joseph, Billings .....	478@10c	47.80
Bergstrom, Theo., Willard .....	1008@10c	100.80
Bernard, P. N., Kalispell .....	504@10c	50.40
Berryman, John J., Billings .....	478@10c	47.80
Bohling, John B., Dutton .....	270@10c	27.00
Boorman, Carl E., Great Falls .....	198@10c	19.80
Bosley, G. A., Great Falls .....	198@10c	19.80
Brandjord, I. M., Ronan .....	368@10c	36.80

Bray, Robert, Big Timber .....	314@10c	31.40
Bricker, R. C., Windham .....	350@10c	35.00
Buchanan, Frank, Hesper .....	464@10c	46.40
Buell, H. S., Bozeman .....	196@10c	19.60
Burke, J. D., Lewistown .....	422@10c	42.20
Buttleman, Wm. H., Willow Creek .....	174@10c	17.40
Cady, William M., Libby .....	932@10c	93.20
Caplis, Jno. T., Butte .....	146@10c	14.60
Carlson, Barney, Prairie Elk .....	1208@10c	120.80
Carlson, C. E., Bozeman .....	196@10c	19.60
Cavanaugh, P. J., Butte .....	146@10c	14.60
Clarke, Walter E., Forsyth .....	680@10c	68.00
Cowley, Stephen J., Great Falls .....	198@10c	19.80
Cronk, John C., Coburg .....	560@10c	56.00
Crumbaker, Calvin, Fort Benton .....	278@10c	27.80
Davis, G. T., Carlyle .....	1050@10c	105.00
Davis, O. P., Lewistown .....	422@10c	42.20
Dean, William, Livingston .....	246@10c	24.60
Dell, Wm., Luther .....	620@10c	62.00
Denny, I. G., Butte .....	146@10c	14.60
Duffy, James L., Havre .....	444@10c	44.40
Elliott, Charles H., Missoula .....	240@10c	24.00
English, M. J., Butte .....	146@10c	14.60
Facey, Florence Kerr, Malta .....	618@10c	61.80
Flynn, W. P., Miles City .....	770@10c	77.00
Fulsher, Dr. Fred R., Saltese .....	444@10c	44.40
Gillette, F. B., Hinsdale .....	996@10c	99.60
Gillin, John L. Jr., Sand Coulee .....	228@10c	22.80
Goodman, E. H., Townsend .....	66@10c	6.60
Gullidge, A. O., Terry .....	850@10c	85.00
Hamilton, Mrs. W. W., Dodson .....	592@10c	59.20
Hanson, Fred, Scobey .....	1182@10c	118.20
Harris, Orville, White Sulphur Springs .....	258@10c	25.80
Hawley, Herb C., Harlowton .....	296@10c	29.60
Hoffman, Joseph, Reed Point .....	362@10c	36.20
Holton, Albert, Cohagen .....	838@10c	83.80
Joffray, E. N., Clancy .....	28@10c	2.80
Johnson, A. B., Denton .....	404@10c	40.40
Kelly, Pat A., Butte .....	146@10c	14.60
Kelly, Robert, Conrad .....	336@10c	33.60
Kennedy, J. D., Philipsburg .....	190@10c	19.00
Kenyon, D. C., Chinook .....	486@10c	48.60
Kinville, Sam., Butte .....	146@10c	14.60
Larsen, A. T., Dagmar .....	1092@10c	109.20
Larson, L. S., Fairview .....	1058@10c	105.80
Lease, N. T., Great Falls .....	198@10c	19.80
Leavens, Robert, Billings .....	478@10c	47.80
Lemmon, G. A., Anaconda .....	198@10c	19.80
McAfee, J. H., Kalispell .....	504@10c	50.40
McCarty, Mrs. Catherine Calk, Glendive .....	926@10c	92.60
McCormack, W. S., Kalispell .....	504@10c	50.40
McLeod, Angus B., Butte .....	146@10c	14.60
Maury, Lowndes, Butte .....	146@10c	14.60
Murphy, C. F., Anaconda .....	198@10c	19.80
Mushbach, J. E., Red Lodge .....	534@10c	53.40
Myrick, H. D., Square Butte .....	340@10c	34.00
Nelson, Frank, Potomac .....	280@10c	28.00
O'Connell, W. H., Kalispell .....	504@10c	50.40
Ostby, James M., McCabe .....	1008@10c	100.80
Peden, W. A., Hardin .....	594@10c	59.40
Perrine, Jas. A., Cut Bank .....	478@10c	47.80
Pilergram, Wm. P., Armington .....	254@10c	25.40
Pope, Walter, Missoula .....	240@10c	24.00



Rasmussen, Anton, Lavina .....	388@10c	38.80
Ridle, M. D., Shelby .....	400@10c	40.00
Rodgers, Henry G., Dillon .....	284@10c	28.40
Roscow, Jessie, Butte .....	146@10c	14.60
Ruffcorn, Wm. M., Glasgow .....	748@10c	74.80
Sandy, B. B., Elgin .....	1062@10c	106.20
Scharnikow, Edward, Deer Lodge .....	124@10c	12.40
Seidensticker, Fred, Twin Bridges .....	264@10c	26.40
Smethurst, Walter, Klein .....	440@10c	44.00
Spencer, J. T., Bridger .....	504@10c	50.40
Stoddard, Si., Anaconda .....	198@10c	19.80
Stoner, Clair, Outlook .....	1122@10c	112.20
Strange, G. B., Stevensville .....	300@10c	30.00
Swift, Charles R., Hysham .....	676@10c	67.60
Taylor, T. T., Lewistown .....	422@10c	42.20
Tawney, George P., Hamilton .....	336@10c	33.60
Terrett, Julian, Brandenburg .....	800@10c	80.00
Tierney, Wm. P., Paradise .....	376@10c	37.60
Troy, T. J., Havre .....	444@10c	44.40
Wold, Ole M., Laurel .....	446@10c	44.60
Zuck, John Q., Lundville .....	1208@10c	120.80

Respectfully submitted,

FLYNN,  
LARSEN,  
NELSON,  
O'CONNELL,  
CLARK.

We, the undersigned, hereby certify that the above and foregoing is a true and correct copy of the roll of the membership of the House of Representatives, of the 18th Legislative Assembly, and the amount which they are severally entitled to for the number of miles travelled by the members of the House as reported by the Committee on Mileage.

Signed: CALVIN CRUMBAKER,  
Speaker of the House of Representatives.

Signed: PERCY F. DODDS,  
Sergeant-at-Arms of the House of Representatives.

Signed: J. A. SHOEMAKER,  
Chief Clerk of the House of Representatives.

Moved by Lemmon, duly seconded and carried, that the report be considered read at length.

On motion of Lemmon, report adopted.

Upon request of Cowley, with unanimous consent, reverted to:

### NOTICES

Authors gave notice that they will on tomorrow or some subsequent date introduce bills as follows:

By Cowley: "A Bill for an Act entitled: 'An Act to repeal Sections 12275 to 12301 inclusive of the Revised Codes of Montana of 1921, commonly designated as the juvenile delinquent act.'"

By Cowley: "A Bill for an Act entitled: 'An Act repealing Section 860 of the Revised Codes of Montana, 1921, relating to the refunding of fare to students at the University of Montana.'"

By Cowley: "A Bill for an Act entitled: 'An Act to repeal Sections 12492 and 12514 of the Revised Codes of Montana, 1921, creating the state industrial school fund.'"

By Cowley: "A Bill for an Act entitled: 'An Act to amend Section 1089 of the Revised Codes of Montana, 1921, relating to fees for teachers' certificates.'"

By Cowley: "A Bill for an Act entitled: 'An Act amending Sections 194 and 195, and repealing Section 196 of the Revised Codes of Montana of 1921, all relating to the administration of moneys received for the support of state institutions.'"

#### INTRODUCTION OF BILLS AND MEMORIALS.

The follownig bills were introduced, read first and second times by title only, and referred to committees as follows:

H. B. No. 9, by Kenyon: "A Bill for an Act entitled: 'An Act to authorize and empower boards of trustees of school districts to establish endowment funds defining same, limiting the uses thereof, providing for the investment of endowment funds in securities, and defining the duties of the county treasurers with relation thereto, and providing for memorials to patrons of endowment funds.'"  
(Committee on Education.)

H. B. No. 10, by Pope: "A Bill for an Act entitled: 'An Act making public officers personally liable for failure to provide or maintain sinking funds for public bonds.'"  
(Committee on Judiciary.)

H. B. No. 11, by Brandjord: "A Bill for an Act entitled: 'An Act relating to the investment of the permanent common school fund and of the other permanent institution funds of the state; prescribing the kinds of securities in which these funds shall be invested; requiring some of these securities to be payable on the amortization plan; authorizing the converting of bonds and farm mortgages now held by the state into amortization bonds and mortgages and amending and re-enacting Sections 1928, 1930, and 1932, of the Revised Codes of Montana of 1921.'"  
(Committee on Education.)

H. B. No. 12, by Goodman: "A Bill for an Act entitled: 'An Act to amend Section 1294 of the Revised Codes of Montana of 1921, relating to superintendent of city and county high schools.'"  
(Committee on Education.)

H. B. No. 13, by Goodman: "A Bill for an Act entitled: 'An Act to amend Section 8890 of the Revised Codes of Montana of 1921, relating to who are competent to act as juror.'"  
(Committee on Judiciary.)

#### MOTIONS AND RESOLUTIONS.

Moved by Lemmon, duly seconded and carried, that after today the Journal Committee of the House read and approved the Journal of the previous day and report their findings to the House at the morning session.

Upon request of Brandjord, with unanimous consent, reverted to:

#### INTRODUCTION OF BILLS AND MEMORIALS.

H. B. No. 11, by Brandjord, was re-read.

The following bill was introduced, read first and second times by title only, and referred to committee as follows:

H. B. No. 14, by Brandjord: "A Bill for an Act entitled: 'An Act providing for the amortization plan of payment for state lands; setting forth the contents of certificates of purchase; authorizing certificates of purchase now outstanding to be converted into new amortization certificates, and amending and re-enacting Section 1860 and 1861 of the Revised Codes of Montana of 1921.'"  
(Committee on State Lands.)

Moved by Gullidge, duly seconded and carried that the House recess until 2:00 p. m.

#### AFTERNOON SESSION.

House resumed at 2:00 p. m.

Mr. Speaker in the chair.

With unanimous consent House reverted to:

## REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received:

"Mr. Speaker:

We, your Committee on Rules, Joint Rules and Order of Business respectfully report as follows:

That the Rules, Joint Rules and Order of Business of the Seventeenth Legislative Assembly of Montana as printed be adopted as the Rules, Joint Rules and Order of Business of the Eighteenth Legislative Assembly.

That three hundred (300) copies in pamphlet form be printed for the use of the members.

BUELL, Chairman."

On motion of Buell, report adopted.

"Mr. Speaker:

We, your Committee on Revenue and Taxation having had under consideration House Bill 1 entitled, An Act relating to taxation and the regulating of the sale of property for taxes delinquent in the year 1922, and remitting the penalty for such delinquent taxes for said year if paid before October 1st, 1923.

Respectfully report as follows: That House Bill No. 1 be amended by striking out in line two of Section two the words 'for three consecutive weeks' and substituting therefor the word 'once' and that said House Bill No. 1, so amended do pass.

SWIFT, Chairman."

On motion of Swift, report adopted.

With unanimous consent, reverted to:

## COMMUNICATIONS AND PETITIONS.

## COMMUNICATIONS FROM THE SENATE.

Helena, Montana, January 5, 1923.

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bills 2 and 4 were this day read the third time, title agreed to and concurred in the same is herewith returned to the house.

Respectfully,

J. F. CONE, Secretary of the Senate."

Upon request of Carlson of McCone, and with unanimous consent reverted to:

## NOTICES.

Authors gave notice that they will on tomorrow or some subsequent date introduce bills and memorials as follows:

By Carlson of McCone: "A memorial petitioning congress to enact such laws and measures as will bring relief to farmers, and stabilize the price of bread-stuffs and meat."

By Ruffcorn: "A Bill for an Act entitled: 'An Act to provide for the taxation of sleeping car companies.'"

By Pope: "A Bill for an Act entitled: 'An Act to amend Sections 12093, 12098, 12100, 12101, 12103 and 12104 of the Revised Codes of Montana of 1921, so as to require all judgments of death to be executed at the state penitentiary.'"

By Oker: "A Bill for an Act entitled: 'An Act to amend Section 1253 of the Revised Code of 1921 regulating the qualifications of voters in elections for issuance of bonds of the state or any county, school district, city or town.'"

By Tawney and Strange: "A Bill for an Act entitled: 'An Act to amend Chapter 209 of the laws of the Seventeenth Legislative Assembly of 1921, relating to budgets for the expenditure of county funds.'"

By Duffy: "A Bill for an Act entitled: 'An Act declaring the purpose of the State of Montana to supervise and regulate the marketing of farm products; preventing unjust discrimination, fraud and extortion in the marketing of same; establishing a system of grading, weighing and measuring farm products; defining the scope and manner of such supervision and the powers and duties of the per-



sons charged with same; providing for licensing buyers, solicitors, elevators and warehouses handling such farm products; and making an appropriation thereof.”

Upon request of Scharnikow, with unanimous consent reverted to:

### INTRODUCTION OF BILLS AND MEMORIALS.

The following bill was introduced, read first and second times by title only, and referred to committee as follows:

H. B. No. 15, by McCarty: “A Bill for an Act entitled: ‘An Act to provide for a lien upon growing crops for labor performed in and upon the planting, cultivating, care and harvesting of such crops.’” (Committee on Agriculture.)

Moved by Gullidge, duly seconded and carried that the House recess until called by the Speaker.

### HOUSE RESUMED.

House resumed at 4:15 p. m.

The Committee on Enrollment reported H. B. No. 2 correctly enrolled.

The Speaker then announced to the House that he was about to sign H. B. No. 2, and thereupon signed same.

Moved by Gullidge, duly seconded and carried that the House adjourn until Monday, January 8, at 1:00 p. m.

CALVIN CRUMBAKER, Speaker.

Attest: JAMES A. SHOEMAKER, Chief Clerk.

### EIGHTH DAY

House of Representatives, January 8, 1923.

House met pursuant to adjournment at 1:00 p. m.

Mr. Speaker in chair.

Prayer by the Chaplain.

Upon roll call all members present except: Kelly of Silver Bow absent; Gillette, Wold and Zuck excused.

### COMMUNICATIONS AND PETITIONS.

#### COMMUNICATIONS FROM THE SENATE.

“Helena, Montana, January 5, 1923.

“Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Senate Joint Resolution No. 1, introduced by Pauline: “That a committee of six be appointed consisting of three members from the Senate appointed by the President, and three members from the House appointed by the Speaker of the House, as a joint committee to consider the civil administration of the State government and to make to the legislative assembly recommendation as to the probability of consolidation and elimination of state departments and offices and such other reductions in expenditures as may be practical.”

Read first and second time and referred to the Committee on Judiciary.

Yours respectfully,

J. F. CONE, Secretary of the Senate.”

Moved by Rodgers, duly seconded and carried that the following communications from the Senate be considered read:

“Helena, Montana, January 5, 1923.

“Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee on Committees report the appointment of the following committees.

Respectfully,

J. F. CONE, Secretary of the Senate.”

"Mr. President:

We, your Committee on Committees, beg leave to report the appointment of the following committees:

Agriculture—McCone, chairman; Griffin, Kane, Staggs, Conser, Dowlin, Peterson, Rorvik, McQuitty.

Apportionment and Representation—Jensen, chairman; Haley, Oliver, Haaland, Garber.

Banks and Banking—Greening, chairman; Handerson, Adams, Loy, Oliver, Staggs, Petersen, McQuitty, Church.

Engrossed Bills—Dowlin, chairman; Adams, Watson.

Enrolled Bills—Staggs, chairman; Oliver, Healey.

Elections and Privileges—Mains, chairman; Taylor, Loy, Jensen, Petersen.

Fairs and Expositions—Griffin, chairman; Lowe, Conser, Church, Watson.

Federal Relations—Adams, chairman; Jensen, Loy, Taylor, Petersen.

Fish and Game—Leuthold, chairman; Cooper, Rhoades, Kirton, Kane, Church, Healey.

Corporations other than Municipal—Henderson, chairman; Haley, Speer, Leighton, Porter, Garber, McQuitty.

Counties and Towns—Pauline, chairman; Hazelbaker, Loy, Esp, Oliver, Kane, Adams, Healey, Muffly.

Dairies and Dairying—Kane, chairman; Mains, Leuthold, Petersen, Rorvick.

Education—Paul, chairman; Mains, Cowan, Leighton, Greenup, Harmon, Oliver.

Military Affairs—Conser, chairman; Jensen, Pauline, Leighton, Garber.

New Counties and Divisions—Loy chairman; Leuthold, Peck, Clark, Healey.

Oils and Leases—Dearborn, chairman; Mains, Siegfried, Speer, Peck, Clark, Stewart, J. H.

Printing—Taylor, chairman; Staggs, Watson.

Public Buildings—Leighton, chairman; Mains, Henderson, Haley, Jensen, Greenup, Watson.

Horticulture—Kane, chairman; Pauline, Esp, Watson, Garber.

Immigration—Esp, chairman; McCone, Dearborn, Conser, Healey.

Irrigation and Water Rights—Cowan, chairman; Cooper, Esp, Adams, Greening, Hazelbaker, Peck, Porter, J. H. Stewart.

Insurance—Henderson, chairman; Dearborn, Greening, Greenup, Oliver, Adams, Church.

Judiciary—Stewart, T. P., chairman; Coburn, Kirton, Pomeroy, Gibson, Mears, Demel, Duncan, Walker.

Judicial Districts—Mains, chairman; Dearborn, Taylor, Dowlin, Haaland.

Labor and Capital—Greenup, chairman; Lowe, Greening, Taylor, Rorvick, Porter, Garber.

Libraries—Oliver, chairman; Dowlin, Church.

Mines and Mining—Cooper, chairman; Siegfriedt, Page, Paul, Haaland, Peck, Muffly.

Public Lands—Speer, Chairman; Heren, Conser, Dowlin, Griffin, Petersen, McQuitty.

Public Morals—Taylor, chairman; Jensen, Harmon, Rhoades, McQuitty.

Railroad and Transportation—Lowe, chairman; Cooper, Haley, Greenup, Rhoades, Cowan, Muffly, Porter, Page.

Roads and Highways—Siegfriedt, Chairman; Cooper, vice-chairman; Griffin, Esp, Dowlin, Staggs, Kane, Rorvick, Petersen.

Sanitary Affairs—Rhoades, chairman; Leighton, Siegfriedt.

Stockgrowing and grazing—Haley, chairman; Henderson, McCone, Heren, Esp, Dowlin, Stewart, J. H., Healey, McQuitty.

Taxation—Hazelbaker, chairman; Griffin, vice-chairman; Heren, Harmon, Peck, Lowe, Speer, Clark, Stewart, J. H."

"Helena, Montana, January 5, 1923.

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that authors of bills give notice that they will on tomorrow or some subsequent date, introduce bills as follows:

By Duncan: "An Act to amend Section 6036 of the Revised Codes of Montana, 1921, relating to liability of stockholders in state banks and providing means for paying and collecting said liability."

By F. Greenup: "An Act to provide for the publication of assessment reports of all taxpayers; to fix the time and method of collecting taxes and interest on deferred payment of taxes; of selling property for the non-payment of taxes; repealing Sections 2513, 2616, 2622, 2624, 2529 and 2638 of the Revised Codes of 1907, of the State of Montana and repealing all other laws in conflict herewith."

By Clark: "An Act for the submission to the qualified electors of the State of Montana of an amendment to Section 10 of Article IX of the Constitution of the State of Montana relating to the qualifications of county superintendents of schools and school district officers."

By Duncan: "An Act abolishing the office of State Parole Commissioner and repealing Sections 12516 to 12518 inclusive of the Revised Codes of Montana, 1921."

Respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, January 5, 1923.

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Senate Bill No. 1, introduced by Demel: "An Act to fix the time and method of collecting taxes and interest thereon, of foreclosure of tax liens upon the non-payment of taxes, and repealing a law requiring publication of the delinquent tax list and penalties," was read first and second time and referred to the Committee on Taxation.

Respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, January 6, 1923.

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the President of the Senate in open session signed House Bill No. 2.

Respectfully,

J. F. CONE, Secretary of the Senate."

#### OTHER COMMUNICATIONS.

"January 5, 1923.

"The Speaker, House of Representatives, Helena, Montana.

I have the honor to advise you that I have this day approved the following House Bill:

No. 2: Appropriating money for mileage and per diem of members of the Eighteenth Assembly.

J. M. DIXON, Governor."

#### NOTICES.

Authors gave notice that they will on tomorrow or some subsequent date introduce bills as follows:

By Bernard: "A Bill for an Act entitled: 'An Act for the creation of a game preserve, embracing portions of Powell and Flathead counties, to be known as White River and Spotted Bear game preserve.'"

By Andrus: "A Bill for an Act entitled: 'An Act providing for more adequate facilities for the care of tuberculosis in the state.'"

By Gullidge: "A Bill for an Act entitled: 'An Act to amend Chapter 144 of the Sixteenth Session Laws of the State of Montana pertaining to the residence of judges in the Sixteenth Judicial District.'"

By Smith: "A Bill for an Act entitled: 'An Act defining the duration of liens of taxes on property sold for delinquent taxes, and the time within which tax deeds may be issued by county treasurer.'"

By Larsen of Sheridan: "A Bill for an Act entitled: 'An Act to amend Section 632 of the Revised Codes of Montana of 1921 fixing the date for holding primary elections.'"



By Facey: "A Bill for an Act entitled: 'An Act to amend Chapter 57 of the Revised Codes of 1921, and Sections 7724 to 7751, both inclusive of the Revised Codes of 1907, relating to inheritances and transfers, and making appropriation.'"

By Cowley: "A Bill for an Act entitled: 'An Act for the submission to the qualified electors of the State of Montana of an amendment to Section 13 of Article XII of the Constitution of the State of Montana as amended; relating to the preparation, verification and filing of the quarterly report of the State Treasurer, and eliminating that portion of said section which requires the publication of said report.'"

By Cowley: "A Bill for an Act entitled: 'An Act requiring the State Purchasing Agent to advertise for bids for the publication of the quarterly reports of the State Treasurer, and requiring the letting of a contract therefor to the lowest responsible bidder.'"

By Cowley: "A Bill for an Act entitled: 'An Act to amend Section 12463 of the Revised Codes of Montana, 1921, relating to the state prison fund.'"

By Bosley: "A Bill for an Act entitled: 'An Act providing for the separation of the schools for the deaf, dumb and blind, from the schools of the feeble minded, and the locating of the schools for the deaf, dumb and blind in some large center of population.'"

By McCarty: "A Bill for an Act entitled: 'An Act to amend Section 717 and 718 of Part 3, of the Political Code of Montana of 1921, relating to application of absent voter's ballot.'"

By Holton: "A Bill for an Act entitled: 'An Act to amend Chapter 173 of the Revised Codes of the State of Montana, relating to the time and manner of collecting taxes on real and personal property.'"

#### REPORTS OF SELECT COMMITTEES.

The Committee on Printing reported H. B. No. 3 correctly printed.

The Committee on Journal and Status reported as follows:

"Mr. Speaker:

Your special committee on daily printing of a synopsis of House proceedings and Status of Bills, recommend that G. E. Marvin, of Gallatin county, be employed for the collection of such data for the sum of six hundred dollars for session, he to report proceedings and furnish a synopsis of day to the printers by nine o'clock p. m. each day, and also status of bills twice each week, Monday and Thursday mornings.

SPENCER, Chairman.

Moved by Spencer, and duly seconded that report be adopted.

Moved by Bernard, as a substitute motion, and duly seconded that the report of the Special Committee appointed to arrange for the daily report of the House proceedings, said report recommending an appropriation of Six Hundred Dollars (\$600.00) for stenographic work on same during the session, be indefinitely postponed.

Upon request of Bernard, duly seconded for a roll call on the substitute motion, the vote was as follows:

Ayes: Armstrong, Baker, Bernard, Bohling, Burke, Cady, Carlson (McCone), Cronk, Davis (Fergus), Hanson, Larson (Richland), McAfee, McCormick, O'Connell, Oker. Total, 15.

Noes: Andrew, Andrus, Arnold, Benedict, Bergstrom, Berryman, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Buell, Buttleman, Caplis, Carlson (Gallatin), Cavanaugh, Clarke, Cowley, Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McCarty, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Riddle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Mr. Speaker. Total, 81.

Absent and not voting: Gillette, Troy, Wold, Zuck. Total, 4.

Substitute motion having failed, original motion was voted on and carried.

## REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received:

"Helena, Montana, January 8, 1923.

"To the House of Representatives:

We, your committee on House Employees, having had referred to us the bid of Messrs. Marvin & Hawkins to do the stenographical and clerical work of the House of Representatives for a specified sum, beg leave to report as follows:

We have carefully taken into consideration Section 28, Article 5 of the Montana Constitution providing that the Legislative Assembly shall prescribe by law the number, duties and compensation of the officers and employees of each House, etc., and also Sections 63, 64, 76, and 77 of Chapter 4 of the Political Code of the Revised Code of Montana 1921, and we are forced to the conclusion that this work cannot be handled in the manner proposed by Messrs. Marvin & Hawkins.

We have also conferred with Messrs. Marvin & Hawkins in this connection and have gone carefully into the details of their bid.

As we have previously reported it will be the endeavor of this committee to faithfully practice economy to the end that every possible dollar be saved on the pay roll of the Eighteenth Assembly.

Respectfully submitted,

BOORMAN, Chairman.  
BRANDJORD,  
HANSON.  
STONER.  
McAFEE."

On motion of Boorman, report adopted.

The Committee on Enrollment reported House Bill No. 4 properly enrolled.

The Speaker then announced that he was about to sign House Bill No. 4, and thereupon signed same.

## INTRODUCTION OF BILLS AND MEMORIALS.

The following bills were introduced, read first and second times by title only, and referred to committees as follows:

H. B. No. 16, by Oker: "A Bill for an Act entitled: 'An Act to amend Section 1253 of the Revised Codes of 1921, regulating the qualifications of voters in elections for the issuance of bonds of this state, or any county, school district, city or town.'" (Committee on Privileges and Elections.)

H. B. No. 17, by Maury: "A Bill for an Act entitled: 'An Act authorizing the city or town council of all cities and towns to create and maintain a police department and provide for the exclusive management, and control thereof, the appointment, compensation, regulation, discipline and removal of all members thereof, and repealing Sections 5097 to 5101 inclusive and Sections 5105 to 5108 inclusive of the Revised Codes of Montana of 1921, and all acts and parts of acts in conflict herewith.'" (Committee on Affairs of Cities.)

H. B. No. 18, by Scharnikow: "A Bill for an Act entitled: 'An Act to repeal Section 268 of the Revised Codes of Montana of 1921, relating to the employment of clerical help for state officers, and Sections 273 to 275 inclusive of said code, relating to the employment and compensation of assistants to civil executive officers.'" (Committee on Public Utilities and State Commissions.)

H. B. No. 19, by Nelson: "A Bill for an Act entitled: 'An Act to amend Sections 640, 641, 645, 651 and 652 and to repeal Sections 642 and 643 of the Revised Codes of Montana of 1921, all relating to primary elections.'" (Committee on Privileges and Elections.)

H. B. No. 20, by Duffy: "A Bill for an Act entitled: 'An Act declaring the purpose of the State of Montana to supervise and regulate the marketing of farm products; preventing unjust discrimination, fraud and extortion in the marketing of same; establishing a system of grading, weighing and measuring farm products; defining the scope and manner of such supervision and the powers and duties of the persons charged with same; providing for licensing buyers, solicitor, elevators and warehouses handling such farm products; and making an appropriation therefor.'" (Committee on Agriculture.)

H. B. No. 21, by Pope: "A Bill for an Act entitled: 'An Act to amend Sections 12093, 12098, 12100, 12101, 12103 and 12104 of the Revised Codes of Montana of 1921, so as to require all judgments of death to be executed at the state prison.'" (Committee on Judiciary.)

H. B. No. 22, by Pilgeram: "A Bill for an Act entitled: 'An Act to amend Section 1005 of the Revised Code of Montana of 1921, relating to the office of clerk of a school district.'" (Committee on Education.)

H. B. No. 23, by Armstrong: "A Bill for an Act entitled: 'An Act to amend Chapter 159 of Part 111 (Section 1999) of the Revised Codes of Montana 1921, relating to the classification of taxable property in this state for the purpose of taxation and providing for the per centage of the true and full value of each class to be taken and used as the basis for the imposition of taxes thereon.'" (Committee on Revenue and Taxation.)

H. B. No. 24, by Bosley: "A Bill for an Act entitled: 'An Act making the clerk of the State Board of Examiners the clerk for the State Board of Pardons, the State Board of Commissioners for the Insane and the State Board of Prison Commissioners, and repealing Section 123 of the Revised Codes of Montana, 1921.'" (Committee on State Boards and Officers.)

H. B. No. 25, by Bosley: "A Bill for an Act entitled: 'An Act providing for the licensing of operators of motor vehicles and suspension and revocation of such licenses in certain cases.'" (Committee on Revenue and Taxation.)

H. B. No. 26, by Hamilton: "A Bill for an Act entitled: 'An Act to amend Section 4482, of the Revised Codes of Montana, 1921, relating to county printing.'" (Committee on Townships and Counties.)

H. B. No. 27, by Brandjord: "A Bill for an Act entitled: 'An Act to submit to the qualified electors of the State of Montana an amendment to the Constitution of the State of Montana, adding thereto a new article, providing for the acceptance and administration by the state of gifts, donations, grants and legacies for the creation of a state permanent revenue fund, for the creation of a state permanent school fund, for the creation of a permanent revenue fund for the University of Montana, and for the benefit of other useful, benevolent and worthy objects: and authorizing the state to administer other funds together with those hereinbefore indicated.'" (Committee on Constitutional Amendments.)

H. B. No. 28, by Loble: "A Bill for an Act entitled: 'An Act to amend Section 933 of the Revised Codes of Montana of 1921, relating to the official staff of the superintendent of public instruction.'" (Committee on Education.)

H. B. No. 29, by Cowley: "A Bill for an Act entitled: 'An Act to repeal Sections 12275 to 12301 inclusive of the Revised Codes of Montana of 1921, commonly designated as the juvenile delinquent law.'" (Committee on Public Morals and Reforms.)

H. B. No. 30, by Cowley: "A Bill for an Act entitled: 'An Act amending Sections 194 and 195 and repealing Section 193 of the Revised Codes of Montana of 1921, all relating to the administration of moneys received for the support of state institutions.'" (Committee on Education.)

The following House Joint Memorial was read and referred to Committee on Agriculture:

House Joint Memorial No. 2, by Carlson of McCone: "Petition to congress to enact such laws and measures as will bring relief to farmers, and stabilize prices of breadstuffs and meats"

#### CONSIDERATION OF GENERAL ORDERS.

Moved by Gullidge, duly seconded and carried, that the House resolve itself into a Committee of the Whole.

Kenyon in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole having had under consideration H. B. No. 3, respectfully report as follows: That H. B. No. 3 do pass.

KENYON, Chairman."

On motion of Kenyon, report adopted.



Mr. Speaker named committees as follows:

Committee on Agriculture—McCormack, chairman; Hanson, Larson of Richland, Larsen of Sheridan, Carlson of McCone, Peden, Hoffman, Myrick, Ostby, Pilgeram, Bergstrom, Buttelman, Nelson, Hamilton, Rasmussen.

Committee on Affairs of Cities—Lease, Clarke, Wold, Taylor, Dean, Flynn, Troy, Murphy, Scharnikow, Andrew, Bosley, Benedict, Maury.

Committee on Apportionment and Representation—Davis of Wibaux, Bernard, Smith, Spencer, Harris, Tierney, Oker, Terrett, Mushbach.

Committee on Banks and Banking—Johnson, Myrick, Wold, Troy, Leavens, Ruffcorn, Buell, Taylor, Pilgeram, Pope, Scharnikow, Kelly of Pondera, Bosley, Caplis, Bergstrom.

Corporations other than Municipal—Holton, chairman; Berryman, Bricker, Andrew, Cowley, McLeod.

Committee on Conservation of Resources—Sandy, chairman; Baker, vice-chairman; Bohling, Facey, Hoffman, English, Armstrong, Caplis, Davis of Fergus.

Committee on Dairying—Seidensticker, chairman; Buchanan, Strange, Larson of Richland, McAfee, Hoffman, Carlson of McCone, Facey, Pilgeram, Kelly of Pondera, Nelson, Benedict, McCarty, O'Connell, Davis of Fergus.

Committee on Education—Gullidge, chairman; Berryman, Myrick, Zuck, Swift, Rodgers, Flynn, Davis of Wibaux, Dean, Brandjord, Maury, Hamilton, Tierney, McCarty, O'Connell.

Committee on Fairs and Expositions—Bricker, chairman; Cronk, Bray, Stoner, Ostby, Buchanan, Boorman, Smith, Kinville, Stoddard, Loble, Burke, Nelson, Terrett, Oker.

Committee on Federal Relations—Hawley, chairman; Andrus, vice-chairman; Arnold, Caplis, Armstrong.

Committee on Fish and Game—Cady, chairman; Bohling, vice-chairman; Dean, Harris, McCormack, Berryman, Davis of Wibaux, Hawley, O'Connell, Joffray, Tierney, Loble, Stoddard, Carlson of Gallatin, Fulsher.

Committee on Highways—Bernard, chairman; Cady, vice-chairman; Bohling, McAfee, Zuck, Perrine, Cronk, Berryman, Oker, Buttelman, Bergstrom, Nelson, Burke, Loble, Joffray.

Committee on Horticulture—Tawney, chairman; McAfee, vice-chairman; Rodgers, Cady, Dell, Elliott, Buttelman, Mushbach.

Committee on Internal Improvements—Kennedy, chairman; Strange, vice-chairman; Arnold, Rasmussen, Mushbach.

Committee on Insurance—Wold, chairman; Flynn, vice-chairman; Gullidge, Bricker, McLeod, Troy, Holton, McAfee, Kenyon, Goodman, Duffy, Scharnikow, Brandjord, Carlson of Gallatin, Kelly of Pondera.

Committee on Improvements and Manufacturing—Taylor, chairman; Andrus, vice-chairman; Berryman, Armstrong, English.

Committee on Irrigation and Water Rights—Gillette, chairman; Perrine, vice-chairman; Flynn, Larson of Richland, Strange, Spencer, Bernard, Rodgers, Ridle, Rasmussen, Buttelman, Kelly of Pondera, Armstrong, Dell, Benedict.

Committee on Journal—Buchanan, chairman; Zuck, vice-chairman; Cavanaugh.

Committee on Judiciary—Kenyon, chairman; Rodgers, Arnold, Smith, Ruffcorn, Tawney, Myrick, Leavens, Scharnikow, Pope, Roscow, Cowley, Denny, Goodman, English.

Committee on Labor—Stoner, chairman; Dean, vice-chairman; Clarke, Tawney, Lease, Zuck, McLeod, Carlson of McCone, Bosley, Duffy, Burke, Benedict, Smethurst, Tierney, Cavanaugh.

Committee on Libraries—Clarke, chairman; Facey, Gullidge, Zuck, Sandy, O'Connell, Roscow, Hamilton, McCarthy, Caplis, Cowley.

Committee on Livestock and Public Ranges—Leavens, Chairman; Cronk, Holton, Kennedy, Harris, Bohling, Seidensticker, Perrine, Swift, Buttelman, Terrett, Armstrong, Benedict, Davis of Fergus, Mushbach.

Committee on Military Affairs—Smith, chairman; Boorman, Leavens, Davis of Fergus, Kelly of Pondera, Kinville, Pilgeram, Pope, Ridle, Smethurst, Terrett.

Committee on Mines and Mining—McLeod, chairman; Spencer, Taylor, Boorman, Harris, Kelly of Silver Bow, Duffy, Andrew, Murphy, Smethurst.

Committee on New Counties and Divisions—Carlson of McCone, chairman; Sandy, Hanson, Arnold, Ostby, Duffy, O'Connell, Burke, Nelson, Bernard.

Committee on Privileges and Elections—Ruffcorn, chairman; Harris, Kenyon, McCormack, Peden, Bosley, Pope, Roscow, Hamilton.

Committee on Public Morals, Charities and Reforms—Facey, chairman; Baker, vice-chairman; Boorman, Bricker, Gillette, Kenyon, McCarty, Cavanaugh, Hamilton, Bergstrom, Loble.

Committee on Public Utilities and State Commissions—Berryman, chairman; Bernard, Cady, Davis of Wibaux, Holton, Kennedy, Carlson of Gallatin, Cavanaugh, Elliott, Gillin, Denny.

Committee on Railroads and Transportation—Dean, Chairman, Troy, Vice chairman; Clarke, Hawley, Ruffcorn, Taylor, Stoner, Smith, Fulsher, Duffy, Tierney, Stoddard, Murphy, Ridle, Joffray.

Committee on State Institutions, Public Buildings and Grounds—Rodgers, chairman; Andrus, vice-chairman; Lease, Troy, Sandy, Bray, Seidensticker, Bricker, English, Elliott, Kelly of Silver Bow, Scharnikow, Bosley.

Committee on Public Health and Sanitary Affairs—Andrus, chairman; Sandy, vice-chairman; Buchanan, Cady, Hawley, Kennedy, Kinville, Kelly of Silver Bow, Fulsher, Hamilton, McCarty.

Committee on State Boards and Officers—Ostby, chairman; Bray, vice-chairman; Lease, Gillette, Kinville, Loble, Maury.

Committee on State Lands—Cronk, chairman; Holton, vice-chairman; Tawney, Hoffman, Davis of Wibaux, Buchanan, Joffray, Seidensticker, Myrick, Pilgeram, Oker, Terrett, Dell, Gillin.

Committee on Townships and Counties—Spencer, chairman; Bernard, Bray, Baker, Larsen of Sheridan, Sandy, Nelson, Stoddard, Buttleman, Kelly of Silver Bow, Lemmon.

Committee on Waterways and Navigation—Holton, chairman; Zuck, vice-chairman; Larson of Richland, McCarty, Gillin.

Committee on Ways and Means—Arnold, chairman; Hanson, Lease, Tawney, Peden, Bray, Spencer, Baker, Perrine, Andrew, Tierney, Pope, Smethurst, Pilgeram, Lemmon.

Committee on Equal Suffrage—Larsen of Sheridan, chairman; Seidesticker, vice-chairman; Zuck, Roscow, Hamilton.

Committee on Workmen's Compensation—Hanson, chairman; Kennedy, vice-chairman; Cady, Lease, Leavens, Bernard, Johnson, Clarke, Smethurst, Loble, Bosley, Lemmon, Tierney, Caplis, Denny.

Committee on Petroleum, Oil and Gas Affairs—Troy, chairman; Baker, vice-chairman; Facey, Stoner, Peden, Carlson of Gallatin, Burke, Kelly of Pondera, Gillin.

Committee on Constitutional Amendments—Baker, chairman; Gullidge, vice-chairman; Kenyon, Brandjord, Andrew.

On motion by Swift, duly seconded and carried, House adjourned until Tuesday, January 9th, at 10:00 a. m.

CALVIN CRUMBAKER, Speaker.

Attest: JAMES A. SHOEMAKER, Chief Clerk.

## NINTH DAY

House of Representatives,  
January 9, 1923.

House met pursuant to adjournment at 10:00 p. m.

Mr. Speaker in the chair.

Prayer by the Chaplain.

On roll call all members present except, Gillette, Goodman, and Taylor (until Thursday), excused.

The Committee on Journal reported as follows:

"Mr. Speaker:

We, your Committee on Journal, have this day examined the Journal for the fifth and eight legislative days and found the same correct.

As the Journal shows that the House approved the Journal up to the fifth day, your Committee on Journal has examined the Journal from that day up to date.

BUCHANAN, Chairman."

Mr. Speaker named Hamilton as an added member of the Committee on Townships and Counties.

## COMMUNICATIONS AND PETITIONS.

## COMMUNICATIONS FROM THE SENATE.

"Helena, Montana, January 8, 1923.

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the President in open session signed House Bill No. 4.

Respectfully,

J. F. CONE, Secretary of the Senate."

January 8, 1923.

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following notices of bills were this day given:

By Church: A Bill for an Act entitled: An Act regulating the practice of podiatry; providing for the examination and licensing of podiatrists and penalties for the violation of this act.

By Porter: A Bill for an Act entitled: An Act to amend Section 8286 of the Revised Codes of the State of Montana, 1921, relating to the sale of personal property under chattel mortgage.

By Oliver: A Bill for an Act entitled: An Act to provide for the amendment of Section 8370, the Revised Codes of 1921, relating to the time of foreclosure and the costs of action in the foreclosure of thresherman's lien as provided in Sections 8366 to 8374, Revised Codes of 1921.

By Oliver: A Bill for an Act entitled: An Act amending Sections 238 and 239 of the Revised Codes of Montana of 1921, relating to certain duties of the State Auditor and the State Board of Examiners concerning the auditing of claims filed against the state.

By Henderson: A Bill for an Act entitled: An Act amending Section 350, Chapter 26, of the Revised Codes of Montana, 1921, relating to the State Board of Hail Insurance; creation and powers.

By Henderson: A Bill for an Act entitled: An Act to amend Chapter 199 of Section 1 of the laws of the 17th Legislative Assembly of the State of Montana providing for the collection of automobile license fees by the county treasurers of the various counties of the state, and providing for the retention of such county treasurers of the amount of such automobile license fees less the amount of the actual cost to the State of Montana for the procuring and furnishing of the number plates. And also providing for the transmission by the various county treasurers to the Secretary of State of the amount of such actual cost of procuring and furnishing the number plates, and further providing that the amount of automobile license fees retained by the various county treasurers shall be placed to the credit of the general road fund of the individual counties in which the fees were collected.



By Henderson: A Bill for an Act entitled: An Act defining larceny to agents solicitors or representatives of insurance companies or associations doing business in this state.

By Henderson: A Bill for an Act entitled: An Act amending Section 6124 of the Revised Codes of Montana of 1921, relating to certain duties of the State Auditor and Commissioner of Insurance.

By Henderson: A Bill for an Act entitled: An Act prohibiting the insured from receiving rebates, and providing penalties for the violation of this act.

By Seigfreidt: A Bill for an Act entitled: An Act authorizing all public corporations, city, county, state, school district or any political subdivisions thereof to have all bonds and coupons paid within the State of Montana at the Treasurer's office of the respective city, or county wherein the said bonds and coupons originated.

By Dan Healy: A Bill for an Act entitled: An Act to amend Sections 1280 and 1282, Revised Codes of 1921 providing for the distribution of the county high school tax and providing what pupils shall be included in determining attendance.

By Henderson: A Bill for an Act entitled: An Act requiring all insurance companies doing business in this state, under the assessment plan, to show upon the face of all policies, applications and other literature, the word or words, "assessable" or "assessment plan," prescribing duties of Commissioner of Insurance in connection therewith, and providing penalties for violation of this act.

By A. Haaland, Jr.: A Bill for an Act entitled: An Act to amend Section 10904 of the Revised Codes of the State of Montana of 1921.

By A. Haaland, Jr.: A Bill for an Act entitled: An Act to amend Section 10957 of the Revised Codes of the State of Montana of 1921.

Yours respectfully,

J. F. CONE, Secretary of the Senate."

"January 8, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bills were this day introduced and referred to the following committees:

Senate Bill No. 2, by Greenup: A Bill for an Act entitled: "An Act to provide for the publication of assessment reports of all taxpayers: to fix the time and method of collecting taxes and interest on deferred payments of taxes; of selling property for the non-payment of taxes; repealing Sections 2005, 2169, 2175, 2177, 2182, and 2191 of the Revised Codes of Montana, 1921, and repealing all other laws in conflict herewith." Read first and second time and referred to Taxation Committee.

Senate Bill No. 3, by Page: A Bill for an Act entitled: "An Act providing for the submission to the qualified electors of the State of Montana an amendment to Article IX of the Constitution of the State of Montana by adding a new clause to be numbered Section 14 of said Article, providing for the recall of public officers." Read first and second time and referred to Judiciary Committee.

Senate Bill No. 4, by Duncan: A Bill for an Act entitled: "An Act abolishing the office of State Parole Commissioner and repealing Sections 12516 to 12518 inclusive of the Revised Codes of Montana of 1921." Read first and second time and referred to Judiciary Committee.

Senate Bill No. 5 by Clark: A Bill for an Act entitled: "An Act for the submission to the qualified electors of the State of Montana of an amendment to Section 10 of Article IX of the Constitution of the State of Montana, relating to the qualifications of County Superintendents of Schools and school district officers." Read first and second time and referred to Judiciary Committee.

Senate Concurrent Resolution No. 1, by Harmon: Referred to Committee on Federal Relations.

Respectfully

J. F. CONE, Secretary of the Senate."

## OTHER COMMUNICATIONS.

"William McKinley Post No. 28, G. A. R.,  
Department of Montana,

Billings, Montana, December 29, 1922.

At a regular meeting of Wm. McKinley Post, G. A. R., held in Billings, Montana, the following Preamble and Resolutions was adopted.

Whereas, Heretofore all Veterans have contributed their full share of taxes; and

Whereas, Many States have for a number of years, exempted a portion of such Veterans property; be it

Resolved, That we request our members of the legislature to enact a law exempting from taxation, all property, if it be of the value of One Thousand Dollars or less, belonging to any Soldier, Sailor, or Marine, who holds an honorable discharge granted by the United States who served in any war in which this nation was a party, or his widow.

Resolved, That a copy hereof be sent to each member of the legislature from Yellowstone county.

C. F. SCOTT, Post Commander.

JAMES GOSS.

A. R. HART.

Committee."

A communication from Miss Myrtle K. Vance of White Sulphur Springs, Montana, relating to an action by the last meeting of the State Teachers' association, was read, and on motion of Oker, duly seconded and carried, referred to the Committee on Education.

## NOTICES.

Authors gave notice that they will on tomorrow or some subsequent date introduce bills as follows:

By Denny: "A Bill for an Act entitled: 'An Act amending Section 853 of the Revised Codes of Montana of 1921, relating to the control of the University of Montana and the appointment of it's faculty and employes and repealing all acts and parts of acts in conflict herewith.'"

By Smith: "A Bill for an Act entitled: 'An Act declaring every child to be the legitimate child of its natural parents; making such child an heir of such parents, and providing the procedure for establishing such parentage.'"

By Pope: "A Bill for an Act entitled: 'An Act providing for the recovery of damages and attorney's fees from insurance companies for vexatious refusal to pay losses.'"

By Cronk: "A Bill for an Act entitled: 'An Act to amend Section 8370 of the Revised Codes of Montana of 1921, relating to foreclosure of thresherman liens.'"

## REPORTS OF SELECT COMMITTEES.

The following reports of select committees were received:

"The Select Committee appointed to look after the care of Zuck, reported that he had recovered in part, and was then present; that he had subscribed to the oath of office, and was ready to present his certificate of election to the Chief Clerk."

On motion of Gullidge, report adopted.

"Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bill 1, beg leave to report that the same have this date been returned from the printer correctly printed.

Report adopted.

BRAY, Chairman."

## REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received:

"Mr. Speaker:

We, your Committee on Engrossment to whom was referred H. B. No. 3, beg leave to report same back as correctly engrossed.

LARSON of Richland, Chairman."

Report adopted.

"Helena, Montana, January 9, 1923.

"To the House of Representatives:

Subject to the approval of the House, we, your Committee on Employees, have engaged the following additional employees for such time as their services may be satisfactory and necessary.

Assistant Printing Clerk—Mr. F. H. Averill, Lewis and Clark Co.

Stenographers—Virginia Cavanaugh, Dawson county; Miss M. M. Gentry, Sweet Grass county; Esther Mundt, Lewis and Clark county; Matilda M. Barnes, Lewis and Clark county.

Respectfully submitted,

BOORMAN, Chairman.

BRANDJORD.

HANSON.

McAFEE.

STONER."

On motion of Boorman, report adopted.

## INTRODUCTION OF BILLS AND MEMORIALS.

The following bills were introduced, read first and second times by title only, and referred to committees as follows:

H. B. No. 31, by Cowley: "A Bill for an Act entitled: 'An Act to amend Section 1089 Revised Codes of Montana 1921, relating to fees for teachers' certificates.'" (Committee on Education.)

H. B. No. 32, by Cowley: "A Bill for an Act entitled: 'An Act repealing Section 860 of the Revised Codes of Montana of 1921 relating to the refunding of fare to students at the University of Montana.'" (Committee on Education.)

H. B. No. 33, by Facey, Hamilton, Roscow and McCarty: "A Bill for an Act entitled: 'An Act amending Sections 8883, 8885, 8886, 8887, 8889 of Chapter 13, and Sections 8890 and 8894 of Chapter 14 of the Revised Codes of Montana of 1921 relating to different kinds of juries defined and qualifications and exemptions of jurors.'" (Committee on Judiciary.)

H. B. No. 34, by Gullidge: "A Bill for an Act entitled: 'An Act to amend Section three (3) of Chapter 144, of the acts of the Sixteenth Legislative Assembly of the state of Montana relating to judges of the Sixteenth Judicial District.'" (Committee on Judiciary.)

H. B. No. 35, by McCarty: "A Bill for an Act entitled: 'An Act to amend Section 717 and 718 of part 3, of the Political Code of Montana of 1921, relating to application of absent voters ballot.'" (Committee on Privileges and Elections.)

H. B. No. 36, by Ruffcorn: "A Bill for an Act entitled: 'An Act to provide for the taxation of sleeping car companies.'" (Committee on Revenue and Taxation.)

H. B. No. 37, by Larsen of Sheridan: "A Bill for an Act entitled: 'An Act to amend Section 632 of the Revised Codes of Montana of 1921, fixing the date for holding primary elections.'" (Committee on Privileges and Elections.)

## MOTIONS AND RESOLUTIONS.

"Whereas, The request for House Bills are numerous; and, whereas, Rule 36 of the rules of the 18th Legislative Assembly provide only for the printing of 500 copies;

Therefore, Be It Resolved, That the Sergeant-at-Arms be instructed to mail copies of House Bills to each County Clerk of the State, to each newspaper of the State, and to each secretary of an actively working chamber of commerce,



it being understood that this resolution does not deny and House member the right to mail copies of bills to any constituent who might possibly be interested in such bill or bills.

GULLIDGE."

Moved by Gullidge, duly seconded and carried that resolution be adopted.

The following resolution was read first and second times, and referred to the Committee on Public Morals, Charities and Reforms.

"Whereas, The Governor of the State of Montana in his comprehensive message to this legislative Assembly pointed out that in some respects the prohibition law is being violated and in some localities not adequately or properly enforced;

And Whereas, There may be honest differences of opinion as to the merits of this law, yet all good citizens agree that so long as it is a law it is the duty of those in charge of it's enforcement to employ every fair and legitimate means to maintain and enforce this law;

And Whereas, Our statutes now give to the Board of Examiners of the State of Montana the power to appoint special officers, not to exceed six, for the purpose of enforcing this law, such officers to be paid exclusively from the law enforcement fund, a fund maintained solely from fines collected from violators of this law;

And Whereas, This presents a situation, that may be subject to much abuse, in that such special officers have a pecuniary interest in the outcome of trials wherein they are witnesses, and vitally concerned therein in order to keep said law enforcement fund replenished to the end that they may be paid for their services, which situation may become an incentive to give exaggerated testimony or worse.

And Whereas, A law so pregnant with possibilities for abuse can be administered only by the most honest and highest type of special officers.

And Whereas, The rumor has for a long time been current in the State of Montana that such special officers so employed by the State have not always been of a type to whom the State can safely entrust the enforcement of the prohibition law, in that it is current rumor that one of said special officers, now and for a long time in the employ of the State as a special officer and as chief of the prohibition force of the State of Montana at a salary of \$3600.00 has heretofore in a federal court, been convicted of accepting a bribe while acting as an officer of the Federal government; that it is further widely rumored that another special officer either now in the employ of the State or heretofore in it's employ is an exconvict of the Montana State prison, and in the public press of the 4th day of January 1923 it was detailed that authorities for Montana had instituted condemnation proceedings against the automobile of this same State prohibition officer for a violation of the Federal liquor laws, and that he had been arrested for a violation of the Federal liquor laws; that the records of the District Court of the First Judicial District of the State of Montana, in and for the County of Lewis and Clark, will show that another purported prohibition officer of the State of Montana had prior to his employment as such been convicted of a violation of the same law that he was employed to enforce.

And Whereas, Such condition of affairs, if it be true, is inimical to the best interest of the State of Montana, positively destructive of law enforcement, and is contrary to the ideas of those who have the interest of prohibition at heart.

Therefore Be It Resolved, That this House appoint a committee of five from it's membership to investigate the serious conditions referred to in this resolution, such committee to have power to call witnesses, and examine them under oath and to investigate generally the state prohibition forces of Montana and to report to this body their findings and conclusions, as expeditiously as their labors may permit.

LOBLE."

## THIRD READING OF HOUSE BILLS.

H. B. No. 3, having been read three several times, and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Burke, Buttleman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cowley, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gillin, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Tawney, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total, 95.

Noes: None.

Absent and not voting: Buell, Gillette, Goodman, Swift, Taylor. Total, 5.

Upon request of Leavens, and with unanimous consent, reverted to:

## COMMUNICATIONS AND PETITIONS.

Moved by Leavens, duly seconded and carried, that the communication from the Wm. McKinley Post, No. 28, G. A. R., be referred to the Committee on Townships and Counties.

On motion of Gullidge, duly seconded and carried, the House adjourned until Wednesday, January 10th at 10:30 a. m.

CALVIN CRUMBAKER, Speaker.

Attest: JAMES A. SHOEMAKER, Chief Clerk.

## TENTH DAY

House of Representatives,  
January 10, 1923.

House met pursuant to adjournment at 10:30 a. m.

Mr. Speaker in the chair.

Prayer by the Chaplain.

On roll call all members present except: Gillette and Taylor excused.

The Committee on the Journal reported as follows:

"Mr. Speaker:

We, your Committee on the Journal, have this day examined the Journal for the Ninth Day and have found the same to be correct.

BUCHANAN, Chairman."

## COMMUNICATIONS AND PETITIONS.

## COMMUNICATIONS FROM THE SENATE.

"Helena, Montana, January 9, 1923.

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that, House Bill No. 3 was read first and second time, and referred to Committee on Financing Claims.

Respectfully,

J. F. CONE, Secretary of the Senate."

“January 9, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Senate Bills were this day introduced, read first and second time, and referred to committees:

Senate Bill No. 6, by Demel: A Bill for an Act entitled: “An Act providing for the security of depositors in the banks organized or existing under the laws of Montana, creating the bank depositors’ guarantee fund of Montana, and providing regulations therefor, and penalties for violation thereof, and to be known as the ‘bank depositors’ guarantee law.’” Referred to Committee on Banks and Banking.

Senate Bill No. 7, by Church: A Bill for an Act entitled: “An Act regulating the practice of podiatry; providing for the examination and licensing of podiatrists and penalties for the violation of this act.” Referred to Committee on Sanitary Affairs.

Senate Bill No. 8, by Siegfriedt: A Bill for an Act entitled: “An Act providing for the place of payment of all bond interest payments on state, municipal and school district issues.” Referred to Committee on Judiciary.

Senate Bill No. 9, by Duncan: A Bill for an Act entitled: “An Act to amend Section 6036 of the Revised Codes of Montana of 1921, relating to liability of stockholders in state banks and providing means for paying and collecting said liability.” Referred to Committee on Banks and Banking.

Senate Bill No. 10, by Porter: A Bill for an Act entitled: “An Act to amend Section 8286 of the Revised Codes of the State of Montana, 1921, relating to the sale of personal property under chattel mortgage.” Referred to Committee on Judiciary.

Senate Bill No. 11, by Healy: A Bill for an Act entitled: “An Act to amend Sections 1280 and 1282, Revised Codes of 1921, providing for the distribution of the county high school tax and providing what pupils shall be included in determining attendance.” Referred to Committee on Taxation.

Senate Bill No. 12, by Committee on Insurance: A Bill for an Act entitled: “An Act requiring all insurance companies doing business in this state, under the assessment plan, to show upon the face of all policies, applications and other literature, the word or words, ‘assessable’ or assessment plan,’ prescribing duties of commissioner of insurance in connection therewith, and providing penalties for violation of this act.” Referred to Committee on Insurance.

Senate Bill No. 13, by Henderson: A Bill for an Act entitled: “An Act amending Section 350, Chapter 26, of the Revised Codes of Montana, 1921, relating to the State Board of Hail Insurance: creation and powers.” Referred to Agricultural Committee.

Senate Bill No. 14, by Henderson: A Bill for an Act entitled: “An Act prohibiting the insured from receiving rebates, and providing penalties for the violation of this act.” Referred to Committee on Insurance.

Senate Bill No. 15, by Henderson: A Bill for an Act entitled: “An Act defining larceny by agents, solicitors or representatives of insurance companies or associations doing business in this state.” Referred to Committee on Insurance.

Senate Bill No. 16, by Oliver: A Bill for an Act entitled: “An Act amending Sections 238 and 239 of the Revised Codes of Montana of 1921, relating to certain duties of the State Auditor and the State Board of Examiners concerning the auditing, approving or rejecting of claims filed against the state.” Referred to Committee on Judiciary.

Respectfully,

J. F. CONE, Secretary of the Senate.”

Moved by Buell, duly seconded and carried that the following communication from the Senate be considered read at length.

“January 9, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following notices for the introduction of bills were this day given:



By Oliver: A Bill for an Act entitled: "An Act to regulate the building and loan associations doing business in the State of Montana amending or repealing Sections 6355 to 6374 of Revised Codes of 1921."

By Haaland: A Bill for an Act entitled: "An Act regulating common carriers; requiring such common carriers to furnish, upon written request, sufficient freight cars for the transportation of freight offered for shipment over the line of any carrier, in car load lots, and providing a penalty for failure to do so."

By Leuthold, Dowlin, Peck, Cowan and Speer: A Bill for an Act entitled: "An Act regulating the fiscal management of fixing the fiscal year for, and controlling and regulating the raising of revenue and the expenditures thereof during each fiscal year by all counties, cities, towns, and consolidated cities and counties, and their institutions and agencies; requiring the making and filing of estimates of probable revenue from all sources and proposed expenditures for all purposes during each fiscal year: providing for the making and filing of provisional budgets, for the publication thereof, for public hearings thereon and for the approval and adoption of annual budgets of expenditures to be made for all purposes during each fiscal year; prescribing the manner of paying claims filed after the expiration of the fiscal year; providing for the raising of revenue, in addition to budget estimates and appropriations, by taxation; providing for the payment of warrant indebtedness outstanding at the close of the fiscal year ending June 30th, 1923; providing penalties for the violation of provisions of this act; and repealing Sections 224, 225, 226, 227, 228, 229, 230, 4631, 5217, and 5218 of the Revised Codes of Montana, 1921."

By Peterson: A Bill for an Act entitled: "An Act to repeal every one of Sections 1783 to 1802 inclusive being Chapters 139 of the Revised Codes of Montana of 1921, such sections and such chapters being, also known as the State Highway Commission act, and to repeal House Bill 400 of the Seventeenth Legislative Assembly of Montana and to repeal House Bill 401 of the Seventeenth Legislative Assembly of Montana."

Respectfully,

J. F. CONE, Secretary of the Senate."

#### OTHER COMMUNICATIONS.

"Helena, Montana, January 9, 1923.

To the Speaker and Members of the House of Representatives:

The Montana Taxpayers' Association has just issued its Bulletin No. 5. This contains much information and data relating to the revenues and expenditures of the state and its governmental subdivisions that it is believed will be of interest and help to the members of the Legislative Assembly.

To this end, we respectfully ask your permission to place a copy of the Bulletin No. 5 on the desk of each member.

Very truly yours,

MONTANA TAX PAYERS ASSOCIATION,

A. A. FRAUZKE, Secretary."

Moved by Buell, duly seconded and carried that the above request be granted.

"January 8, 1923.

The Speaker, House of Representatives, Helena, Montana.

I have the honor to advise you that I have this day approved the following House Bill:

No. 4: Appropriating money for the incidental expenses of the Eighteenth Legislative Assembly of the State of Montana.

JOS. M. DIXON, Governor."

#### NOTICES.

Authors gave notice that they will on tomorrow or some subsequent date introduce bills as follows:

By Scharnikow: "A Bill for an Act entitled: 'An Act to abolish the State Highway Commission and transferring all duties of the State Highway Com-

mission, as to unfinished contracts to the State Engineer, and repealing Sections 1783, 1784, 1785, 1786, 1788, 1789, 1790, 1792, 1799, and 1800 of the Revised Codes of Montana of 1921.' "

By Perrine: "A Bill for an Act entitled: 'An Act prohibiting County Officers loaning tools, machinery, implements or other property or equipment belonging to the County.' "

By Rodgers: "A Bill for an Act entitled: 'An Act to amend Sections 5039, 5278, 5281 and 5283, and to repeal Sections 5284, 5285, 5286, 5287, and 5288 of the Revised Codes of Montana, 1921, all relating to the borrowing of money, contracting of indebtedness and issuing of bonds by incorporated cities and towns.' "

By Rodgers: "A Bill for an Act entitled: 'An Act to amend Sections 4614 and 4622 of the Revised Codes of Montana, 1921, relating to County Bonds.' "

By Rodgers: "A Bill for an Act entitled: 'An Act to amend Section 4717 of the Revised Codes of Montana, 1921, relating to the borrowing of money by Boards of County Commissioners.' "

By Rodgers: "A Bill for an Act entitled: 'An Act to amend Sections 1224, 1225, 1226, 1228 and 1229, and to repeal Sections 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, and 1242, Revised Codes of Montana, 1921, all relating to School District Bonds.' "

By Andrus: "A Bill for an Act entitled: 'An Act to regulate days of labor and providing one day's rest in seven.' "

By Scharnikow: "A Bill for an Act entitled: 'An Act to amend Section 11687 of the Revised Codes of Montana of 1921, relating to the removal of public officers.' "

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received:

"Mr. Speaker:

We, the Committee on Judiciary, having had under consideration House Bill No. 7, by Kenyon, entitled: "An Act to amend Section 9443 of the Revised Codes of Montana of 1921 relating to redemption of property from execution sales, or foreclosure sales," respectfully report said bill back with the recommendation that it do pass.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, the Committee on Judiciary, having had under consideration House Bill No. 21, introduced by Pope, entitled: "An Act to amend Sections 12093, 12098, 12100, 12101, 12103 and 12104 of the Revised Codes of Montana of 1921, so as to require all judgments of death to be executed at the State Prison," respectfully report said bill back with the recommendation that said bill do not pass.

KENYON, Chairman."

On motion of Kenyon, report adopted.

#### INTRODUCTION OF BILLS AND MEMORIALS.

The following bills were introduced, read first and second times by title only, and referred to Committees as follows:

H. B. No. 38, by Cowley: "A Bill for an Act entitled: 'An Act to repeal Sections 12492 and 12514 of the Revised Codes of Montana 1921, creating the State Industrial School Fund.' " (Committee on Public Morals, Charities and Reforms.)

H. B. No. 39, by Cowley: "A Bill for an Act entitled: 'An Act for the submission to the qualified electors of the State of Montana of an amendment to Section 13 of Article XII of the Constitution of the State of Montana as amended; relating to the preparation, verification and filing of the quarterly report of the State Treasurer and eliminating that portion of said Section which requires the publication of said report.' " (Committee on Constitutional Amendments.)

## CONSIDERATION OF GENERAL ORDERS.

Moved by Oker, duly seconded and carried that the House resolve itself into a Committee of the Whole.

Boorman in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole having had under consideration H. B. No. 1, respectfully report as follows: That H. B. No. 1 do pass as amended.

BOORMAN, Chairman."

On motion of Boorman, report adopted.

Upon request of Facey, with unanimous consent, reverted to:

## INTRODUCTION OF BILLS AND MEMORIALS.

The following bills were introduced, read first and second times by title only, and referred to committees as follows:

H. B. No. 40, by Facey: "A Bill for an Act entitled: 'An Act to amend Chapter 57 of the Revised Codes of 1921, and Sections 7724 to 7751, both inclusive, of the Revised Codes of 1907, relating to inheritances and transfers, and making appropriation.' " (Committee on Revenue and Taxation.)

H. B. No. 41, by Cronk: "A Bill for an Act entitled: 'An Act to amend Section 8370 of the Revised Codes of Montana of 1921, relating to foreclosure of Threshermen's Liens.' " (Committee on Agriculture.)

With unanimous consent, reverted to:

## COMMUNICATIONS AND PETITIONS.

## COMMUNICATIONS FROM THE SENATE.

"Helena, Montana, January 10, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate having concurred in House Bill No. 3, "An Act to appropriate money for the payment of the per diem of the officers and attaches of the 18th Legislative Assembly of the State of Montana." The same is herewith returned to the House.

Respectfully,

J. F. CONE, Secretary of the Senate."

Lease announced that the Committee on Affairs of Cities, who had under consideration House Bill No. 17, introduced by Maury, relating to the changes in metropolitan police laws, would hold a public meeting at the Placer Hotel, Monday evening, January 15th, at 7:30, so that interested persons might be heard.

Moved by Spencer, duly seconded and carried that the House adjourn until Thursday, January 11th, at 10:30 A. M.

CALVIN CRUMBAKER, Speaker.

Attest: J. A. SHOEMAKER, Chief Clerk.

## ELEVENTH DAY

House of Representatives,  
January 11th, 1923.

House met pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the chair.

Prayer by the Chaplain.

On roll call all members present except, Gillette and Roscow, excused.

The Committee on the Journal reported as follows:

"Mr. Speaker:



We, your Committee on Journal, have this day examined the Journal for the 10th Legislative day and found the same correct.

BUCHANAN, Chairman."

Report adopted.

## COMMUNICATIONS AND PETITIONS.

### COMMUNICATIONS FROM THE SENATE.

On motion of Loble, duly seconded and carried, the following Senate communications were considered read at length.

"Helena, Montana, January 10, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following appended list of appointments made by his Excellency, the Governor, during the recess of the Senate, were this day read and confirmed.

Respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, January 10, 1923.

The President of the Senate,  
Senate Chamber,  
Helena, Montana.

I have the honor to transmit the appended list of appointments made by the Governor during the recess of the Senate and requiring the consent of your Honorable Body:

And I do hereby nominate and by and with the consent of the Senate do appoint the following named persons as officers and members of State Boards for the terms in each instance indicated:

To be members of the State Livestock Commission:

J. E. Morse of Beaverhead, for the term ending March 1, 1927.

L. B. Taylor, of Blaine, for the term ending March 1, 1927.

To be members of the Board of Trustees of the State Historical Library:

J. H. T. Ryman of Missoula, for the term ending January 11, 1924.

Mrs. Josephine Hepner of Lewis and Clark, for the term ending January 11, 1924.

James T. Stanford of Cascade, for the term ending January 11, 1924.

David Hilger of Fergus, for the term ending January 11, 1924.

James U. Sanders of Lewis and Clark, for the term ending January 11, 1924.

To be members of the State Board of Medical Examiners:

Dr. W. W. Andrus of Custer, for the term ending March 27, 1929.

To be members of the Board of Managers of the State Soldiers' Home:

Dr. L. G. Griffis of Flathead, for the term ending March 16, 1923, to succeed Dr. A. T. Munro.

Andrew W. Swaney of Flathead, for the term ending April 18, 1925, to succeed Howard Clark.

James R. Goss of Yellowstone, for the term ending April 18, 1925.

To be members of the State Board of Charities and Reform:

Mrs. Alma F. Sievers of Silver Bow, for the term ending March 2, 1927.

To be State Examiner:

L. Q. Skelton of Jefferson, for the term ending June 1, 1925.

To be State Land Agent:

George W. Cook of Fergus, for the term ending March 15, 1926.

To be Register of State Lands:

H. V. Bailey of Custer, for the term ending April 15, 1925.

To be Deputy Register of State Lands:

Joseph Hodgson of Fallon, for the term ending October 1, 1925.

To be Warden of State Prison:

M. W. Potter of Carbon for the term ending April 15, 1925.

To be Superintendent of Asylum for the Insane:

Dr. R. J. Hathaway of Dawson, for the term ending March 6, 1925, to succeed Dr. J. M. Scanland.

To be State Forester:

R. P. McLaughlin of Missoula, for the term ending March 1, 1926.  
To be members of the State Board of Architectural Examiners:  
Fred F. Willson of Gallatin, for the term ending March 27, 1925.  
George H. Shanley of Cascade, for the term ending March 27, 1925.  
Chandler C. Cohagen of Yellowstone, for the term ending March 27, 1925.

By JOS. M. DIXON, Governor."

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Senate Bills were introduced and read first and second times, and referred to the Committees as follows:

Senate Bill No. 17, by Leuthold, Dowlin, Peck, Cowan and Speer. A Bill for an Act entitled: "An Act regulating the fiscal management of, fixing the fiscal year for, and controlling and regulating the raising of revenue and the expenditure thereof during each fiscal year by all counties, cities, towns, and consolidated cities and counties, and their institutions and agencies; requiring the making and filing of estimates of probable revenue from all sources and proposed expenditures for all purposes during each fiscal year; providing for the making and filing of provisional budgets, for the publication thereof, for public hearings thereon and for the approval and adoption of annual budgets of expenditures to be made for all purposes during each fiscal year; prescribing the manner of paying claims filed after the expiration of the fiscal year; providing for the raising of revenue, in addition to budget estimates and appropriations, by taxation; providing for the payment of warrant indebtedness outstanding at the close of the fiscal year ending June 30th, 1923, providing penalties for the violation of provisions of this Act; and repealing Sections 224, 225, 226, 227, 228, 229, 230, 4631, 5217, and 5218 of the Revised Codes of Montana, 1921." Referred to Committee on Finance and Claims.

Senate Bill No. 18, by Peterson: A Bill for an Act entitled: "An Act to repeal every one of Sections 1783 to 1802 inclusive being Chapter 139, of the Revised Codes of Montana of 1921, such Sections and such Chapter being also known as the State Highway Commission Act, and to repeal House Bill No. 400 of the 17th Legislative Assembly of the State of Montana." Referred to Committee on Roads and Highways.

Senate Bill No. 19, by Stewart of Meagher County: A Bill for an Act entitled: "An Act amending Section 2182, and repealing Sections 2183 of the Revised Codes of Montana of 1921 all relating to Taxation; abolishing the publication of delinquent tax lists and repealing all Acts in conflict herewith." Referred to the Committee on Taxation.

Senate Bill No. 20, by Henderson: A Bill for an Act entitled "An Act amending Section 6124 of the Revised Codes of Montana of 1921, relating to certain duties of the State Auditor and Commissioner of Insurance." Referred to Committee on Insurance.

Senate Joint Memorial No. 1, by Rhoads: "Memorial to the Congress of the United States to enact such legislation as may be necessary to issue patents to farm units on federal reclamation projects in order that such farm units may become taxable." Referred to Committee on Judiciary.

Respectfully,

J. F. CONE, Secretary of the Senate."

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following notices of bills were this day introduced:

By McQuitty: A Bill for an Act entitled: "An Act amending Sections 4875 and 4800 of the Revised Codes of Montana of 1921, relating to the number of deputies, county officials, and repealing Sections 4881, 4882, and 4883 of said Codes and all Acts and parts of Acts in conflict herewith."

By Pauline: A Bill for an Act entitled: "An Act amending Section 4717 of the Revised Codes of Montana of 1921, requiring the Board of County Commissioners to submit to a vote of the qualified electors of the county all proposals to borrow money to refund outstanding bonds or warrants."

By Pauline: A Bill for an Act entitled: "An Act prescribing the qualification of electors who shall be entitled to vote upon proposals to create or increase indebtedness of the State, county, city, town, school district or other

municipal corporation; providing for the preparing and posting of lists of such qualified electors; providing for the preparing and furnishing of poll books; prescribing the duties of the county clerk and clerk of the city, town, school districts or other municipal corporation, and repealing acts or parts of Acts in conflict herewith."

By Taylor: A Bill for an Act entitled: "An Act for the submission to the qualified electors of the State of Montana to Section 3 of Article XII of the Constitution of the State of Montana relating to the assessment of mining claims and mines, providing for the change of the words 'net proceeds' to 'gross proceeds.'"

By McQuitty: A Bill for an Act entitled: "An Act to amend Sections 8936 and 8940 prohibiting persons not citizens of the United States from practicing as attorneys and counsellors in any courts of this state, revoking the certificates or licenses of all such persons now licensed to practice as such attorneys or counsellors, and repealing all laws or parts of laws in conflict herewith."

By McQuitty: A Bill for an Act entitled: "An Act amending Sections 4867, 4869, 4870 and 4871 of the Revised Codes of Montana of 1921, relating to the salaries of county officers and deputies and repealing all Acts in conflict herewith."

By Henderson: A Bill for an Act entitled: "An Act to amend Section 1760 of the Revised Codes of Montana, 1921, relating to registration fees for motor vehicles and the disposition thereof, and repealing all Acts and parts of Acts in conflict herewith."

By Oliver: "Author gives notice that he will on tomorrow give notice of a change of Senate Rule No. 6.

Respectfully,

J. F. CONE, Secretary of the Senate."

#### OTHER COMMUNICATIONS.

"Helena, Montana, January 11, 1923.

Officers and Members,  
House of Representatives,  
Helena, Montana.

Gentlemen:

The second public meeting of the Lewis and Clark County Taxpayers League will be held at the Helena Auditorium, at 8 o'clock, this, Thursday evening, January 11, 1923.

An address will be made by Mr. I. W. Choate, following which the meeting will open to general discussion.

You are cordially invited to be present.

Respectfully,

LEWIS AND CLARK COUNTY TAXPAYERS LEAGUE.

By WM. MUTH, President."

#### NOTICES.

Authors gave notice that they will on tomorrow or some subsequent date introduce bills as follows:

By Cowley: "A Bill for an Act entitled: 'An Act to amend Section 221 and to repeal Section 6085 of the Revised Codes of Montana, 1921, relating to fees to defray the expenses of the State Examiner.' "

By Loble: "A Bill for an Act entitled: 'An Act relating to giving or selling of intoxicating liquors to a minor, and making a violation thereof a felony.' "

By Loble: "A Bill for an Act entitled: 'An Act amending Section 8375 and Section 8377 of the Revised Codes of the State of Montana of 1921 relating to liens for labor and materials furnished to owners of lease-holds for oil and gas purposes and for materials and labor for the construction of oil and gas pipe-lines and prescribing a title of perfecting and enforcing such laws.' "



By Brandjord: "A Bill for an Act entitled: 'An Act relating to the issuance of bonds, requiring the State of Montana and all political sub-divisions of the State and other taxing units having the power of issuing bonds to give preference to amortization bonds; to accept serial bonds or straight term bonds only when amortization bonds can not be negotiated to good advantage; defining these various classes of bonds; and repealing Acts and parts of Acts in conflict with the provisions of this Act.' "

By Cavanaugh: "A Bill for an Act entitled: 'An Act prohibiting persons from operating motor cars, or vehicles, while in an intoxicated condition, and prescribing the penalty therefor.' "

By Caplis: "A Resolution asking for the appointment of a House Committee to investigate the business of dealing in coal in all its various phases, from mining to consumer."

By Scharnikow: "A Bill for an Act entitled: 'An Act to amend Section 11688 of the Revised Codes of Montana of 1921 relating to the presentation of accusations against officers by a grand jury.' "

The following reports of committees on Printing and Engrossing were received:

"Mr. Speaker:

We, your committee on Printing, to whom was referred H. B. No. 7 beg leave to report that the same has this date been returned from the printer correctly printed.

BRAY, Chairman."

Report adopted.

"We, your Committee on Engrossment, to whom was referred H. B. No. 1, beg leave to report same back correctly engrossed.

LARSON OF RICHLAND, Chairman."

Report adopted.

"The Committee on enrollment reported H. B. No. 3 correctly enrolled."

Report adopted.

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received:

"Mr. Speaker:

We, your Committee on Education having had under consideration, H. B. No. 11, introduced by Brandjord: A Bill for an Act relating to the investment of permanent common school fund and of the other permanent institution funds of the state; prescribing the kinds of securities in which these funds shall be invested; requiring some of these securities to be payable on the amortization plan; authorizing the converting of bonds and farm mortgages now held by the state into amortization bonds and mortgages and amending and re-enacting Sections 1928, 1930 and 1932 of the Revised Codes of Montana 1921.

Respectfully report as follows: That we recommend the principle of H. B. No. 11, but recommend said bill be re-referred to the Judiciary Committee for the legal aspects of the bill. "

GULLIDGE, Chairman."

On motion of Gullidge, report adopted, and bill re-referred to Judiciary Committee.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration H. B. No. 10, by Pope, entitled: "A Bill for an Act entitled: 'An Act making public officers personally liable for failure to provide or maintain sinking funds for public bonds,' " respectfully report that H. B. No. 10 be amended as follows:

1. In line 5, Section 1, by striking out the word "any" and inserting the letter "a."

2. After the word "pay" in line 6, Section 1, by striking out the words "any bonds at maturity," and inserting in lieu thereof the words, "at maturity any bonds hereafter issued or created."

3. In line 11, of Section 1, after the word "law," by inserting the words, "as in this section hereby specified."

4. In line 3, of Section 2, after the word "fund," by inserting the word "fund, by inserting the words, "as herein specified."

And that same do pass as amended.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Agriculture to whom was referred H. J. Memorial No. 2, a petition to congress for relief for farmers, respectfully report as follows: That having had same under consideration, we recommend it do pass.

McCORMACK, Chairman."

On motion of McCormack, report adopted.

Mr. Speaker announced that he was about to sign H. B. No. 3, and there-upon signed same.

### INTRODUCTION OF BILLS AND MEMORIALS

The following bills were introduced, read first and second times by title only, and referred to Committees as follows:

H. B. No. 42, by Cowley, "A Bill for an Act entitled: 'An Act to amend Section 12463 of the Revised Codes of Montana, 1921, relating to the State Prison Fund.'" (Committee on State Boards and Officers).

H. B. No. 43, by Cowley: "A Bill for an Act entitled: 'An Act requiring the State Purchasing Agent to advertise for bids for the publication of the quarterly reports of the State Treasurer, and requiring the letting of a contract therefor to the lowest responsible bidder.'" (Committee on State Boards and Officers).

H. B. No. 44, by Perrine: "A Bill for an Act entitled: 'An Act prohibiting county officers loaning tools, machinery, implements or other property or equipment belonging to the county.'" (Committee on Townships and Counties).

H. B. No. 45, by Gullidge: "A Bill for an Act entitled: 'An Act to amend Section 1280 of the Revised Codes of Montana of 1921, relating to the support of District High Schools.'" (Committee on Education).

H. B. No. 46, by Smith: "A Bill for an Act entitled: 'An Act declaring every child to be the legitimate child of its natural parents; making such child an heir of such parents, and providing the procedure for establishing such parentage.'" (Committee on Public Morals).

H. B. No. 47, by Bray: "A Bill for an Act entitled: 'An Act to provide for the letting of contracts for public printing, fixing the prices therefor, providing for an undertaking for the faithful performance of such contract, providing a penalty for violation of this Act, and repealing Section 4482 of the Revised Codes of Montana of 1921.'" (Committee on Townships and Counties).

H. B. No. 48, by Denny: "A Bill for an Act entitled: 'An Act amending Section 853 of the Revised Codes of Montana of 1921, relating to the control of the University of Montana and the appointment of it's faculty and employees and repealing all Acts and parts of Acts in conflict herewith.'" (Committee on Education).

H. B. No. 49, by Rogers: "A Bill for an Act entitled: 'An Act to amend Section 4717 of the Revised Codes of Montana, 1921, relating to the borrowing of money by Boards of County Commissioners.'" (Committee on Townships & Counties).

H. B. No. 50, by Rogers: "A Bill for an Act entitled: 'An Act to amend Sections 4614 and 4622 of the Revised Codes of Montana, 1921, relating to county bonds.'" (Committee on Townships & Counties).

H. B. No. 51, by Scharnikow: "A Bill for an Act entitled: 'An Act to abolish the State Highway Commission and transferring all duties of the State Highway Commission, as to unfinished contracts to the State Engineer, and repealing Sections 1783, 1784, 1785, 1786, 1788, 1789, 1790, 1792, 1799, and 1800 of the Revised Codes of Montana of 1921.'" (Committee on Highways).

## THIRD READING OF HOUSE BILLS

H. B. No. 1, by Oker, having been read three several times, and title and history agreed to, was passed by the following vote:

**Ayes:** Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Buell, Burk, Buttleman, Cady, Caplis, Carlson (Gallatin), Carlson, (McCone), Cavanaugh, Clarke, Cowley, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—97.

**Noes:** None.

**Absent and not voting:** Gillette, McAfee, Roscow. Total—3.

On request of McCarty, and with unanimous consent, reverted to:

## NOTICES

Authors gave notice that they will on tomorrow or some subsequent date introduce bills as follows:

By McCarty: "A Bill for an Act entitled: 'An Act giving authority to Board of County Commissioners to provide vocational training to indigent crippled and handicapped citizens of Montana, and defining the conditions under which such training can be provided'."

By Stoner: "A Memorial to the Congress of the United States, and to the Legislature of Montana, to investigate the shortage of cars and to enact legislation to prevent a similar condition, and to stabilize the price of farm products."

By Smethurst: "Pertaining to the weighing of coal at coal mines."

On request of Bernard, and with unanimous consent, reverted to:

## INTRODUCTION OF BILLS AND MEMORIALS

The following bill was introduced, read first and second times by title only, and referred to the Committee on Fish & Game.

H. B. 52 by Bernard: "A Bill for an Act entitled: 'An Act to establish a Game Preserve in portions of Powell and Flathead counties, for the protection of game animals and birds, to be known as the Spotted Bear Game Preserve, and providing penalties for the killing, hunting, trapping, and pursuing any game animals or birds in such preserve or the carrying of fire arms therein.'"

On request of Boorman, and with unanimous consent, reverted to:

## REPORTS OF STANDING COMMITTEES

The following reports of standing committees were received:  
"House of Representatives:

Your committee on House Employees have engaged the services of the following, subject to the approval of the House, and effective so long as their services are necessary and satisfactory:

**Stenographers:** Miss Audra Van Voast  
Miss Daisy Blackstone

BOORMAN, Chairman."

On motion of Boorman, report adopted.

"Mr. Speaker:

We, your committee on Townships and Counties having had under consideration, H. B. No. 6, A Bill for an Act entitled: "An Act to amend Section 4916 of the Revised Codes of Montana of 1921, relating to fees of Sheriffs."



Respectfully report as follows: That H. B. No. 6 that it be re-referred to the Judiciary Committee.

SPENCER. Chairman."

On motion of Spencer, report adopted and bill re-referred to the Judiciary Committee.

Moved by Gullidge, duly seconded and carried that the House adjourn until Friday, January 12th, at 10:30 A. M.

CALVIN CRUMBAKER, Speaker.

Attest: J. A. SHOEMAKER, Chief Clerk.

## TWELFTH DAY

House of Representatives,  
January 12, 1923.

House resumed pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the chair.

Prayer by the Chaplain.

On roll call all members present except: Benedict, Duffy, Gillette, Hawley, and Roscow, excused.

The Committee on Journal reported as follows:

"Mr. Speaker:

We, your committee on Journal, have this day examined the Journal for the 11th Legislative day and found the same correct..

Buchanan, Chairman."

## COMMUNICATIONS AND PETITIONS

### Communications from the Senate

"Helena, Montana, January 11th, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following notices for the introduction of bills were this day given—

By Page: A Bill for an Act entitled: "An Act creating a laborer's lien on the products of his work or labor, for such work and labor: and providing for the manner of the enforcement of such laborer's lien."

By Taylor: A Memorial entitled: "Memorial to the Congress of the United States and the Legislature of Montana, to investigate the shortage of cars and to enact legislation to prevent a similar condition and to stabilize the price of farm products."

Respectfully,

J. F. CONE, Secretary of the Senate."

On motion of Swift, duly seconded and carried, the following Senate Communications were considered read:

"Helena, Montana, January 11th, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the President of the Senate this day signed House Bill No. 3.

Respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, January 11th, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the appended recess appointment of the Governor was this day read and confirmed.

Respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, January 11th, 1923.

The President of the Senate,  
Senate Chamber,  
Helena, Montana.

I have the honor to transmit the following appointment made by the Governor during the recess of the Senate and requiring the consent of your honorable body;

To be Commissioner of Agriculture—Chester C. Davis of Cascade.

And I do hereby nominate and by and with the consent of the Senate do appoint Chester C. Davis, of Cascade to be Commissioner of Agriculture for the term ending April 1, 1925.

Jos. M. Dixon, Governor."

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were this day introduced, read first and second times, and referred to committees as follows:

Senate Bill No. 21, by Pauline: "An Act prescribing the qualification of electors who shall be entitled to vote upon proposals to create or increase indebtedness of the state, county, city, town, school district or other municipal corporation: providing for the preparing and posting of lists of such qualified electors: providing for the preparing and furnishing of poll-books: prescribing the duties of the county clerk and clerk of the city, town, school districts or other municipal corporation, and repealing Acts or parts of Acts in conflict herewith." Referred to committee on Counties and Towns.

Senate Bill No. 22, by Pauline: "An Act amending Section 4717 of the Revised Codes of Montana of 1921, requiring the Board of County Commissioners to submit to a vote of the qualified electors of the county all proposals to borrow money to refund outstanding bonds or warrants." Referred to Committee on Counties and Towns.

Senate Bill No. 23, by Henderson: "An Act to amend Section 1760 of the Revised Codes of Montana, 1921, relating to registration fees for motor vehicles and the disposition thereof, and repealing all Acts and parts of Acts in conflict herewith." Referred to Committee on Roads & Highways.

Senate Bill No. 24, by Committee on Sanitary Affairs: "An Act to prevent the procreation of hereditary idiots, feeble minded, insane, and epileptics who are inmates of state custodial institutions, by authorizing and providing for eugenical sterilization of said inmates." Referred to Printing Committee.

Senate Bill No. 25, by Haaland: "An Act to amend Section 10957 of the Revised Codes of Montana of 1921, relating to punishment for murder." Referred to Committee on Judiciary.

Senate Resolution No. 1. On the death of the Hon. Charles S. Hefferlin. Ordered engrossed and spread upon the Journal.

Respectfully,

J. F. CONE, Secretary of the Senate."

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following standing committees reported as follows:

"Committee on Judiciary,"—to whom was referred Senate Joint Memorial No. 1, recommend that same do pass.

"Committee on Federal Relations"—to whom was referred Senate Concurrent Resolution No. 1. Recommend that same be adopted.

"Committee on Insurance"—to whom was referred Senate Bill No. 20. Recommend that same do pass.

Also having had under consideration Senate Bill No. 12, recommend that said bill be amended as follows: By adding in line 2, Section 1, after the word "Companies" the words "or associations"; by adding in line 12, Section 3, after the word "company" the words "or association," and that as amended the bill do pass.

Also having had under consideration Senate Bill No. 15, recommend that the bill do not pass.

Also having had under consideration Senate Bill No. 14, recommend that said bill be amended as follows: By striking out the word "such" in line 1 of Section 1 and inserting in lieu thereof the word "Insurance"; by striking

out in line 4 the word "such" before "rebate"; by striking out in line 5 the word "the" and inserting in lieu thereof the word "any", and that, as amended, the bill do pass.

Committee on Sanitary Affaris, having had under consideration Senate Bill No. 7, recommend that the bill do pass.

Respectfully,

J. F. CONE, Secretary of the Senate."

#### OTHER COMMUNICATIONS

"The Speaker,  
House of Representatives,  
Helena, Montana.

I have the honor to advise you that I have this day approved the following House Bill:

No. 3—Appropriating money for the payment of the per diem of the officers and attaches of the Eighteenth Legislative Assembly of the State of Montana.

JOS. M. DIXON, Governor."

#### NOTICES

Authors gave notice that they will on tomorrow or some subsequent date introduce bills as follows:

By Zuck: "A Bill for an Act entitled: 'An Act legalizing the acts of Boards of School Trustees in purchasing or building dormitories, furnishing and equipping the same.'"

By Cavanaugh: "A Bill for an Act entitled: 'An Act requiring persons operating motor cars or vehicles to stop after an accident, requiring such persons before leaving the place of accident to give their true name, residence and license number, and to report same to certain officials and prescribing a penalty for violation thereof.'"

By Goodman: "A Bill for an Act entitled: 'An Act to amend Sections 7147 and 7148 of the Revised Codes of Montana, of 1921, relating to the apportionment of fees and expenses of water commissioners'."

By Pilgeram: "A Bill for an Act entitled: 'An Act empowering the State Board of Land Commissioners in certain cases to cancel certificates of sale and reissue new certificates in lieu thereof.'"

By Facey: "A Bill for an Act entitled: 'An Act amending Section 1015 of the Revised Codes of Montana of 1921, relating to the powers and duties of School Trustees.'"

By Denny: "A Bill for an Act entitled: 'An Act for the submission to the qualified electors of the State of Montana of an amendment to Article VI of the Constitution of the State of Montana by striking out Sections 4, 5 and 6 of said Article, all relating to the creation of senatorial and representative districts, and enacting in lieu thereof a new section to be numbered "Section 4," fixing the method of creating said districts.'"

By Rodgers and Maury: "A Bill for an Act entitled: 'An Act requiring the labeling of all cloth, fabrics, garments or articles of apparel sold or offered for sale in this state which contain wool, or purport to contain wool; to provide penalties for the violation of this law and to repeal all Acts and parts of Acts in conflict herewith.'"

By McCarty and Hamilton: "A Bill for an Act entitled: 'An Act prescribing the penalty on first and subsequent offenses for unlawfully giving away, selling or disposing of moonshine or other intoxicating liquor to a minor, and prescribing the penalty for the first and subsequent offenses for unlawfully giving away, selling, disposing of or possessing or other intoxicating liquors within one thousand feet of a dance hall or place of public amusement, entertainment or gathering.'"

By Scharnikow: "A Bill for an Act entitled: 'An Act to regulate the creation of counties in territory contiguous to certain parts of the Missouri River.'"



By Andrus: "A Bill for an Act entitled: 'An Act to regulate the practice of pharmacy in the State of Montana and to control and regulate the manufacture, sale and distribution of drugs, chemicals, poisons and potent drugs'."

By Andrus: "A Bill for an Act entitled: 'An Act to amend Section 5034 of the Revised Codes of the State of Montana, 1921, pertaining to the duties of City Treasurer and to provide for the deposit and control of all public moneys in the possession of and under the control of City and Town Treasurers and providing for the payment of interest on all such moneys'."

By Flynn: "A Bill for an Act entitled: 'An Act to amend Section 5036 of the Revised Codes of the State of Montana, 1921, to provide for the deposit and control of all public moneys in the possession of and under the control of the City or Town Treasurer: providing for the payment of interest on all such moneys and to amend Section 5036 of the Revised Codes of the State of Montana of 1921'."

By Tierney: "A Bill for an Act entitled: 'An Act repealing Sections 1999 and 2000 of the Revised Codes of Montana, 1921, relating to the classification of property for taxation and the basis for the imposition of taxes upon different classes of property'."

### REPORTS OF STANDING COMMITTEES.

The following report of standing committees were received:

"The Committee on Printing reported H. B. No. 10 and H. J. M. No. 2 correctly printed."

Majority and minority reports were offered by the Committee on Public Morals, Charities and Reforms.

Moved by Loble, and duly seconded that the Majority report be adopted.

Moved by Facey, as a substitute motion, and duly seconded that the Minority report be adopted and that a roll call be had on the motion.

Moved by Scharnikow, as a substitute for both preceding motions, duly seconded and carried, that consideration of the adoption of the majority or minority reports of the Committee on Public Morals, Charities and Reforms be made a special order of business for 3:00 P. M. Monday, January 15.

### INTRODUCTION OF BILLS AND MEMORIALS.

The following bills were introduced, read first and second times by title only, and referred to Committees as follows:

H. B. No. 53, by Brandjord: "A Bill for an Act entitled: 'An Act relating to the issuing of bonds, requiring the State of Montana and all political subdivisions of the State and other taxing units having the power of issuing bonds to give preference to amortization bonds: to accept serial bonds or straight term bonds only when amortization bonds can not be negotiated to good advantage; defining these various classes of bonds; and repealing Acts and parts of Acts in conflict with the provisions of this Act.'" (Committee on Ways and Means).

H. B. No. 54, by Scharnikow: "A Bill for an Act entitled: 'An Act to amend Section 11687 of the Revised Codes of Montana of 1921, relating to the removal of public officers'." (Committee on Judiciary).

H. B. No. 55, by Loble: "A Bill for an Act entitled: 'An Act amending Section 8375 and Section 8377 of the Revised Codes of the State of Montana 1921, relating to liens for labor and materials furnished to owners of leaseholds for oil and gas purposes and for materials and labor for the construction of oil and gas pipe-line and prescribing a title of perfecting and enforcing such laws'." (Committee on Petroleum).

H. B. No. 56, by Smith: "A Bill for an Act entitled: 'An Act defining the duration of liens on taxes on property sold for delinquent taxes, and the time within which tax deeds may be issued by County Treasurer'." (Committee on Judiciary).

H. B. No. 57, by Cowley: "A Bill for an Act entitled: 'An Act to amend Section 221 and to repeal Section 6085 of the Revised Codes of Montana, 1921 relating to fees to be paid to defray the expenses of the State Examiner'." (Committee on Ways and Means).

H. B. No. 58, by Rogers: "A Bill for an Act entitled: 'An Act to amend Sections 5039, 5278, 5281 and 5283, and to repeal Sections 5284, 5285, 5286, 5287 and 5288 of the Revised Codes of Montana, 1921, all relating to the borrowing of money, contracting of indebtedness and issuing of bonds by incorporated cities and towns'." (Committee on Affairs of Cities).

H. B. No. 59, by Rogers: "A Bill for an Act entitled: 'An Act to amend Sections 1224, 1225, 1226, 1228 and 1229, and to repeal Sections 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241 and 1242 Revised Codes of Montana, 1921, all relating to School District Bonds'." (Committee on Education).

H. B. No. 60, by Cavanaugh: "A Bill for an Act entitled: 'An Act prohibiting persons from operating motor cars or vehicles while in an intoxicated condition, and prescribing the penalty therefor'." (Committee on Judiciary).

H. B. No. 61, by Andrus: "A Bill for an Act entitled: 'An Act to regulate days of labor, and providing one day of rest in seven, and providing penalties for the violation thereof'." (Committee on Labor).

The following House Joint Memorial was read first and second times and referred to Committee on Agriculture.

H. J. M. No. 3, by Stoner: "Memorial to the Congress of the United States, and to the Legislature of Montana to investigate the shortage of cars and to enact legislation to prevent a similar condition and to stabilize the price of farm products." (Committee on Agriculture).

### MOTIONS AND RESOLUTIONS.

The following resolution was read first and second times and referred to the Committee on Development and Publicity:

"Whereas the necessary and unavoidable expense, of purchasing coal consumes a considerable portion of the earnings of every family in this state, and,

Whereas there is a state wide complaint on the part of the greater portion of the consumers of coal of this state; and a desire that all facts relating to the cost of the Mining of such coal mined in the state of Montana, or shipped into this State for sale to the Public, or for consumption industrially; together with the margin of profits enjoyed by operators and retailers, and the fluctuation of such profits, be ascertained.

Now, therefor, we the movers of this resolution, do hereby ask for the selection from the floor of this House of Representatives, of the 18th Assembly of the State of Montana of a Committee of seven members; four republicans, and three Democrats, to make a thorough investigation of the business of mining, transporting, and selling of coal to all purchasers thereof; inquiring into all costs thereof; and all profits enjoyed; with the intention of presenting, to the House, the facts of such investigation; together with such recommendations as may be discovered necessary.

Such a committee to have power to commend attendance of Witnesses together with all books and records asked for; and to take testimony under oath.

Such a committee to report its finding back to the House by February 10th, 1923.

BOORMAN,  
KENYON,  
GULLIDGE,  
TROY,  
CARLSON (McCone)  
CLARKE,  
ELLIOTT,  
BOSLEY,  
BURKE,  
HANSON,  
SWIFT,  
CRONK,  
BUCHANAN,

RIDLE,  
OSER,  
KELLY (Pondera),  
PILGERAM,  
CAPLIS,  
CAVANAUGH,  
KELLY (Silver Bow),  
STONER,  
ANDREW,  
TIERNEY,  
SMITHURST,  
DUFFY,  
BENEDICT,  
LARSEN (Sheridan).

The following resolution was read and on motion of Maury duly seconded and carried, was adopted.

"Whereas, the Federal Government has awarded its Distinguished Service Medal for military service to Associate Justice of the Supreme Court Albert J. Galen; and

Whereas, said Federal government has directed Brigadier General William S. Graves of the United States Army to confer the aforesaid decoration at Helena at 2 o'clock on Tuesday afternoon, January 16th, 1923; and

Now, Therefore, be it Resolved, that the House of Representatives of the Eighteenth Legislative Assembly of the State of Montana do, in commemoration of the aforesaid event, stand adjourned from the hour 2 o'clock P. M. until the hour of 2:30 o'clock P. M. January 16th, 1923; and

Be It Further Resolved, that immediately after concluding the ceremonies incident to the conferring of the aforesaid decoration this House do convene, and that it do invite the Senate of the Eighteenth Legislative Assembly of the State of Montana to convene with it in the chamber of said House, and thereupon to invite the aforesaid Brigadier General William S. Graves to address the joint assembly on such subject as may be agreeable to him; and

Be It Further Resolved, that the Speaker appoint a committee of three members of the House to make the necessary arrangements for and to conduct the aforesaid joint session.

COWLEY."

Mr. Speaker named the following as members of the Committee on arrangements for the Joint session relative to the above resolution.

POPE,  
SMITH,  
TERRETT.

#### CONSIDERATION OF GENERAL ORDERS

Moved by Gullidge, duly seconded and carried that the House resolve itself into Committee of the Whole.

Rodgers in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole having had under consideration H. B. No. 7, by Kenyon, respectfully report as follows: That H. B. No. 7 do pass.

RODGERS, Chairman."

On motion of Rodgers, report adopted.

Moved by Gullidge, duly seconded and carried that House recess until 2:00 P. M.

#### AFTERNOON SESSION

House resumed at 2:00 P. M.

Mr. Speaker in the chair.

#### NOTICES.

Authors gave notice that they will on tomorrow or some subsequent date introduce bills as follows:

By Troy: "A Bill for an Act entitled: 'An Act to promote the safety of travelers and employees upon railroads by compelling common carriers by railroads to properly man their trains and to provide a penalty for the violation thereof'."

By Tawney: "A Joint Resolution to provide for the appointment of a special committee of the House and Senate to investigate and report whether an economy may be effected by the manufacture of number or license plates for motor vehicles by the warden of the State Penitentiary at Deer Lodge, and



the probable amount and cost thereof; also whether an economy may be effected by the transfer to said Warden of all authority and work now vested in and required of the Secretary of State in relation to the licensing of motor vehicles."

### REPORTS OF STANDING COMMITTEES.

The following report of the Committee on Townships and Counties was received:

"Mr. Speaker:

We, your Committee on Townships and Counties having had under consideration, the Resolution relating to the exempting from taxation, all property, if it be of the value of one thousand dollars or less, belonging to any soldier, sailor, or marine, who holds an honorable discharge granted by the United States who served in any war in which this nation was a party, or his widow, respectfully report as follows: That the Resolution be re-referred to the Committee on Revenue and Taxation.

SPENCER, Chairman."

On motion of Spencer, report adopted, and the matter re-referred to the Committee on Revenue and Taxation.

Moved by Gullidge, duly seconded and carried that the House adjourn until 2:00 P. M. Monday, January 15, 1923.

CALVIN CRUMBAKER, Speaker.

Attest: JAMES A. SHOEMAKER, Chief Clerk.

### FIFTEENTH DAY

House of Representatives.

January 15, 1923.

House convened pursuant to adjournment at 2:00 P. M.

Mr. Speaker in the chair.

Prayer by chaplain.

On roll call all members present except: Cowley, Cronk, Flynn, Gillette and Kennedy excused.

The Committee on Journal reported as follows:

"Mr. Speaker:

We, your Committee on Journal, have this day examined the Journal for the 12th Legislative day and found the same correct.

BUCHANAN, Chairman."

### COMMUNICATIONS AND PETITIONS.

### COMMUNICATIONS FROM THE SENATE.

"Helena, Montana, January 12th, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following notices for introduction of bills were this day given:

By Oliver: A bill for an Act entitled: "An Act prohibiting the carrying or possession of deadly weapons by persons engaged in the manufacture, transportation, sale or disposition of intoxicating liquor in violation of Federal or State Law, defining the terms 'intoxicating liquor' and 'deadly weapons' and providing penalties for the violation of this Act."

By Kane: A Bill for an Act entitled: "An Act to submit to the qualified voters of the State of Montana an amendment to Section 3 Article XII of the Constitution by striking out Section 3 relating to taxation."

By Haaland: A Bill for an Act entitled: "An Act to amend Sections 10904 and 10908 of the Revised Codes of Montana of 1921, relating to unfair discrimination in purchase price and sales price of commodities."

Respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, January 12th, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were introduced, read first and second times, and referred to the following committees:

Senate Bill No. 26, by Page: "An Act creating a laborer's lien on the products of his work or labor, for such work and labor: and providing for the manner of the enforcement of such laborer's lien." Referred to Committee on Labor and Capital.

Senate Joint Memorial No. 2, by Taylor: Memorial to the Congress of the United States and to the Legislature of Montana, to investigate the shortage of cars and to enact legislation to prevent a similar condition and to stabilize the price of farm products." Referred to Committee on Railways and Transportation.

Respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, January 12th, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 1 by Oker, read first and second times and referred to Committee on Taxation.

Very respectfully,

J. F. CONE, Secretary of the Senate."

The Committee on Engrossment report as follows:

"We, your Committee on Engrossment to whom was referred H. B. No. 7, beg leave to report same back as correctly engrossed.

LARSON of Richland, Chairman."

#### NOTICES.

Authors gave notice that they will on tomorrow or some subsequent date introduce bills as follows:

By Pope: "A Bill for an Act entitled: 'An Act to amend Section 4919 of the Revised Codes of Montana of 1921 relating to fees of clerks in probate proceedings'."

By Scharnikow: "A Bill for an Act entitled: 'An Act to amend Sections 5228 and 5229 of the Revised Codes of Montana of 1921, relating to the area embraced in special improvement districts and to protest against such proposed work'."

By Rodgers: "A Bill for an Act entitled: 'An Act providing for the inspection by the State Boiler Inspectors, of stills used or intended to be used in the manufacture of intoxicating liquor, giving to the Accident Board supervision thereof, prescribing the fees to be paid, by the owners of stills for the inspection thereof, requiring said owners to notify the State Industrial Accident Board of the place where the still or stills may be found, and prescribing penalties for the violation of this Act.'"

By Nelson: "A Bill for an Act entitled: 'An Act to amend Article XII of the Constitution of the State of Montana relating to revenue and taxation, by striking out all of Sections 1, 2, 3, 7, 11, and 16 thereof and inserting in lieu of said Sections a new section to be known and designated as Section 1, and by renumbering the remaining sections of said Article'."

By Strange: "A Bill for an Act entitled: 'An Act amending Section 4885 of the Revised Codes of Montana of 1921, relating to per diem and mileage for sheriffs in civil and criminal cases and for transporting persons by order of Court'."

## REPORTS OF STANDING COMMITTEES.

The following report of standing committee was received:

"Mr. Speaker:

We, the Committee on Judiciary, having had under consideration H. B. No. 6, introduced by Kenyon, entitled: 'An Act to amend Section 4916 of the Revised Codes of Montana of 1921, relating to fees of sheriffs'; respectfully report as follows: That H. B. No. 6 do pass. Also H. B. No. 54, introduced by Scharnikow, entitled: 'An Act to amend Section 11687 of the Revised Codes of Montana, of 1921, relating to the removal of public officers', respectfully report as follows: That H. B. No. 54 do pass.

KENYON, Chairman."

On Motion of Kenyon, report adopted.

## INTRODUCTION OF BILLS AND MEMORIALS.

The following bills were introduced, read first and second times by title only, and referred to committees as follows:

H. B. No. 62, by Troy: "A Bill for an Act entitled: 'An Act to promote the safety of travelers and employees upon railroads by compelling common carriers by railroad to properly man their trains, and providing a penalty for the violation thereof.'" (Committee on Railroads and Transportation).

H. B. No. 63, by Scharnikow: "A Bill for an Act entitled: 'An Act to regulate the creation of counties in territory contiguous to certain parts of the Missouri River.'" (Committee on New Counties).

H. B. No. 64, by Goodman: "A Bill for an Act entitled: 'An Act to amend Sections 7147 and 7148 of the Revised Codes of Montana of 1921 relating to the apportionment of fees and expenses of water commissioners.'" (Committee on Irrigation).

H. B. No. 65, by Cavanaugh: "A Bill for an Act entitled: 'An Act requiring persons operating motor cars or vehicles to stop after accident, and requiring such persons before leaving the place of accident to give their true names, residences and license numbers, and to report the same to certain officials, and prescribing a penalty for the violation thereof.'" (Committee on Judiciary).

H. B. No. 66, by Denny: "A Bill for an Act entitled: 'An Act for the submission to the qualified electors of the State of Montana of an amendment to Article VI of the Constitution of the State of Montana by striking out Sections 4, 5, and 6 of said Article, all relating to the creation of Senatorial and Representative Districts, and enacting in lieu thereof a new section to be numbered "Section 4," fixing the method of creating said Districts.'" (Committee on Constitutional Amendments).

H. B. No. 67, by McCarty and Hamilton: "A Bill for an Act entitled: 'An Act prescribing the penalty on first and subsequent offenses for unlawfully giving away, selling or disposing of moonshine or other intoxicating liquor to a minor, and prescribing the penalty for the first and subsequent offenses for unlawfully giving away, selling, disposing of or possessing moonshine or other intoxicating liquors within one thousand feet of a dance hall or place of amusement, entertainment or gathering.'" (Committee on Public Morals & Reforms).

H. B. No. 68, by Tierney: "A Bill for an Act entitled: 'An Act repealing Sections 1999 and 2000 of the Revised Codes of Montana, 1921, relating to the classification of property for taxation and the basis for the imposition of taxes upon different classes of property.'" (Committee on Revenue and Taxation).

H. B. No. 69, by Facey: "A Bill for an Act entitled: 'An Act amending Section 1015 of the Revised Codes of Montana of 1921, relating to the powers and duties of School Trustees.'" (Committee on Education).

## MOTIONS AND RESOLUTIONS.

Moved by McCormack, duly seconded and carried that Governor Dixon be requested to furnish the House of Representatives with a detailed report of the operation of the law levying a tax of one per cent on the market value of crude petroleum produced in this State.



Moved by Pope, duly seconded and carried that a Committee be appointed to draft resolutions concerning the death of Mr. Tyler Worden and all other members of the House in the last Assembly, who died since the last session.

Mr. Speaker named the following as members of the Committee:

POPE,  
TAWNEY,  
BERNARD.

### THIRD READING OF HOUSE BILLS

H. B. No. 7, by Kenyon, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Buell, Burke, Buttleman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—95.

Noes: None.

Absent and not voting: Cowley, Cronk, Flynn, Gillette, Kennedy. Total—5.

### CONSIDERATION OF GENERAL ORDERS

Moved by Gullidge, duly seconded and carried that House resolve itself into a Committee of the Whole.

Lemmon in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

“Mr. Speaker:

We, your Committee of the Whole having had under consideration H. B. No. 10 and H. J. M. No. 2, respectfully report back with the recommendation that H. B. No. 10 be amended by striking out in Section 1, line 5, the word “hereinafter” and inserting in lieu thereof the word “thereafter,” and as amended, do pass.

H. J. M. No. 2 do pass.

LEMMON, Chairman.”

On motion of Lemmon, report adopted.

Upon request of Ridle, with unanimous consent, House reverted to:

### MOTIONS AND RESOLUTIONS.

H. J. Resolution No. 1, by Ridle, relating to investigation of Toole County Irrigation Project, was read and referred to Committee on Irrigation and Water Rights.

Moved by Swift, duly seconded and carried that House recess until 3:00 P. M.

### HOUSE RESUMED.

House resumed at 3:00 P. M.

Mr. Speaker in the chair.

## SPECIAL ORDER

## CONSIDERATION OF LOBLE PROHIBITION RESOLUTION

The majority and Minority reports of the Committee on Public Morals, Charities and Reforms, offered on the 12th Legislative day, were read.

Moved by Loble, and duly seconded, that the majority report be adopted.

Moved by Facey, as a substitute motion, and duly seconded, that the minority report be adopted.

Moved by Scharnikow, as a substitute for both preceding motions, that the matter be re-referred to the Committee on Public Morals, Charities and Reforms.

Moved by Bernard for previous question, was duly seconded and carried.

Upon request of Loble for a roll call, duly seconded, the following vote was cast upon the substitute motion of Scharnikow, and the motion having carried, the matter was re-referred to the Committee on Public Morals, Charities and Reforms:

Ayes: Andrew, Andrus, Arnold, Baker, Benedict, Bernard, Berryman, Brandjord, Bray, Bricker, Buchanan, Buell, Buttleman, Carlson (Gallatin), Clarke, Dean, Denny, Elliott, English, Gillin, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Johnson, Kinville, Larson (Richland), Larsen (Sheridan), Leavens, Lemmon, McAfee, McCarty, McCormack, Murphy, Myrick, Nelson, O'Connell, Pope, Rasmussen, Rodgers, Roscow, Ruffeorn, Scharnikow, Seidensticker, Smethurst, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—60.

Noes: Armstrong, Bergstrom, Bohling, Boorman, Bosley, Burke, Cady, Caplis, Carlson (McCone), Cavanaugh, Davis (Fergus), Davis (Wibaux), Dell, Duffy, Facey, Fulsher, Goodman, Holton, Joffray, Kelly, (Pondera), Kelly (Silver Bow), Kenyon, Lease, Loble, McLeod, Maury, Mushbach, Oker, Ostby, Peden, Perrine, Pilgeram, Ridle, Sandy, Smith, Total—35.

Absent and not voting: Cowley, Cronk, Flynn, Gillette, Kennedy. Total—5.

Moved by Swift, duly seconded and carried that the House adjourn until Tuesday, January 16, at 10:30 A. M.

CALVIN CRUMBAKER, Speaker.

Attest: JAMES A. SHOEMAKER, Chief Clerk.

## SIXTEENTH DAY

House of Representatives,  
January 16, 1923.

House met pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the chair.

Prayer by the Chaplain.

On roll call all members present except: Cowley and Gillette, excused.

The Committee on Journal reported as follows:

"Mr. Speaker:

We, your Committee on Journal have this day examined the Journal for the 15th Legislative day and found the same correct.

BUCHANAN, Chairman."

The Committee on Engrossment reported as follows:

"Mr. Speaker:

We, your Committee on Engrossment, to whom was referred H. B. No. 10, also H. J. M. No. 2, beg leave to report same back correctly engrossed.

LARSON of Richland, Chairman."

## COMMUNICATIONS AND PETITIONS.

## COMMUNICATIONS FROM THE SENATE.

"January 15, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Resolution, as a substitute for Senate Joint Resolution No. 1, by the Committee on Judiciary, was this day read and adopted:

"Be It Resolved, by the Senate of the State of Montana, that three committees be appointed by the President of the Senate as follows, to-wit:—

(a) A Committee of three members of the Senate appointed by the President, whose duty it shall be to consider and investigate the administration of public affairs by all state boards and commissions of the State of Montana, and to make a full report to the Senate upon the conduct of all the business of said several state boards and commissions, the expenses of their respective administrations, and make such recommendations to the Senate as in their judgment may be wise and expedient to the end that all such state boards and commissions may be conducted in the most economical way consistent with the public service, and that any abuses, extravagances, unnecessary expenditures, or any violations of law, which may be discovered, may be corrected.

(b) A committee of three members of the Senate, appointed by the President, whose duty it shall be to consider and investigate the administration of public affairs by all the executive departments and executive officers of the state government, and to make full report to the Senate upon the conduct of all the business of said several executive departments and executive officers, the expenses of their respective administrations, and make such recommendations to the Senate as in the judgment of the committee may be wise and expedient to the end that all such executive departments and executive offices may be conducted in the most economical way consistent with the public service and that any abuses, extravagances, unnecessary expenditures or any violations of law, which may be discovered may be corrected.

(c) A committee of three members of the Senate, appointed by the President, whose duty it shall be to consider and investigate the conduct and administration of the affairs of all of the state institutions, including the educational institutions of the state, and to make a full report to the Senate upon the conduct of all the business of the said several state institutions, including educational institutions the expenses of their respective administrations, and make such recommendations to the Senate at in its judgment may be wise and expedient to the end that all such state institutions may be conducted in the most economical way consistent with the public service, and that any abuses, extravagances, unnecessary expenditures or any violations of law, which may be discovered, may be corrected.

And Be It Further Resolved, that said committee, and each of them, are hereby empowered to hold hearings, subpoena, swear and examine witnesses, and to do all things necessary to carry out the purposes of this Resolution.

And Be It Further Resolved, that said several committees hereinbefore mentioned shall be, and each of said committees is, hereby authorized, at their or its election and not otherwise, to hold any joint hearings which to such committees, or either of them, may seem expedient with any like committee appointed by the House of Representatives, having the same duties and consisting of the same number as such committees of the Senate.

And Be It Further Resolved, that each of the committee hereinbefore named is directed to proceed with the investigations hereby imposed upon it, and to make a report to the Senate of the results of its investigation and its findings and conclusions as soon as practicable."

Respectfully,

J. F. CONE, Secretary of the Senate."

Moved by Swift, duly seconded and carried that the following communications be considered read.

" Helena, Montana, January 15, 1923

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 1 by Oker was this day read three several times and concurred in, title agreed to and is herewith returned.

J. F. CONE, Secretary of the Senate."



"Helena, Montana, January 15, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Committee on Judiciary this day reported as follows:

"We, your Committee on Judiciary, to whom was referred Senate Bill No. 8, introduced by Siegfriedt, being a bill for an Act entitled:

"An Act providing for the place of payment of all bond and bond interest payments, on state, county, municipal and school district bond issues," having had the same under consideration, beg leave to report and recommend that the title to said Bill be amended as follows:

By adding after the word "issues" on line 4 of said title, the words, "irrigation district bonds and all other bonds authorized under the laws of the State of Montana" and by amending said Bill by adding after the word "issues" in line 8 of said Bill, the words, "irrigation district bonds and all other bonds authorized under the laws of the State of Montana."

And that as so amended said Bill do pass.

Respectfully,

J. F. CONE, Secretary of the Senate."

"January 15, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following notices for the introduction of bills were this day presented:

By Demel: "An Act relating to the execution and affidavit of good faith required in chattel mortgages and amending Section 8276 of the Revised Codes of Montana, 1921."

By Demel: "An Act to amend Section 9256 of the Revised Codes of Montana, relating to when attachment may issue."

By Stewart & Church: "An Act providing for the redemption of real estate sold to counties within the State of Montana for taxes for the years 1919, 1920 and 1921 and repealing all Acts and parts of Acts in conflict therewith."

By Kirton: "An Act to amend Sections 3652, 3653, 3672, 3681, 3685, 3694, 3696, 3697, 3699, 3700, 3701, 3702, 3703, 3704, 3707, 3714, 3722, 3723, 3730, 3731, 3732, 3733, 3742, 3751, and 3753 and repealing Sections 3686, 3698 and 3724 of the Revised Codes of Montana, relating to State Fish and Game Commission, Fish and Game, licenses protection and propagation of fish and game."

By Taylor: "An Act prohibiting the formation of combinations and conspiracies to blacklist wage workers, and combinations and conspiracies to restrict the liberties of wage workers as citizens; prescribing penalties for violation, and remedies for the enforcement of this Act, and defining and declaring the policy of the state with reference to the subject matter in this Act."

By Siegfriedt: "An Act relating to the rights and disabilities of Aliens with respect to lands, providing for forfeitures in certain cases prescribing penalties, and amending Section 7088 of the Revised Codes of 1921, and repealing all laws in conflict herewith."

By Cowan: "An Act providing for the re-recording of unadjudicated water right appropriations during the year 1923 and every tenth year thereafter; providing that all unadjudicated water right appropriations remaining unre-recorded after January 1st, 1924, and every tenth year thereafter, shall be null and void and shall be cancelled of record; prescribing the contents of the notice of re-recording; prescribing the duties of the Count Clerk and Recorder and the fees for re-recording; providing that the rights under a re-recorded appropriation shall relate back to the date of the original appropriation, and that the record thereof shall be prima facie evidence in all courts of this State as to the matters and things therein stated."

By Henderson: "An Act providing for the participation by policy holders in the election of directors of corporations organized in this state for the transaction of the business of life insurance upon the stock plan, and repealing any and all acts or parts of acts in conflict herewith, and providing for this act becoming effective upon its passage and approval."

By Pomeroy: "An Act to create the Wolf Creek game preserve in Lincoln and Flathead counties for the protection of game animals and birds and providing penalties for the killing, hunting, trapping or pursuing of any game animals or birds in such preserve, and for the carrying of fire arms therein."

Respectfully,

J. F. CONE, Secretary of the Senate."

#### OTHER COMMUNICATIONS.

"At a meeting of the St. Helena Parent-Teacher association, held in the assembly room of the St. Helena school, Helena, on Thursday afternoon, January 11, 1923, the following Preamble and Resolutions were unanimously adopted, viz:

Whereas, The Legislative Council of Montana Women have prepared a digest of measures to be introduced and endorsed in the Eighteenth Assembly of the Montana Legislature; and

Whereas, The St. Helena Parent-Teacher association has studied and fully discussed this digest before its membership in the above named meeting; therefore be it

Resolved, That the St. Helena Parent-Teacher association endorse (1) the passage of an act to amend the jury law so that it will include jury service for women;

(2) The passage of an act for uniform marriage and divorce laws in the several states that the present evils of divorce may be lessened;

(3) The passage of an act providing for registration of all marriages and divorces occurring within the State of Montana, with the State Registrar of Vital Statistics; fixing the fees for the issuance of marriage licenses; for recording marriage licenses and certificates and decrees of divorce;

(4) The constitutional amendment for recall of elective officers except the judiciary;

(5) The passage of an act legalizing the acts of the Boards of School Trustees in purchasing or building dormitories; furnishing or equipping same;

(6) The passage of an act to make it permissible for city high schools to build and operate dormitories;

(7) The passage of an act for a license-tax on all billboards and signs painted on rocks and buildings;

(8) The appropriation for a pavilion at Galen for tubercular children;

(9) The appropriation for the orthopedic commission.

Resolved, That the St. Helena-Teacher association voice its protest against

(1) The passage of an act that would repeal the medical prescription bill, which, despite occasional abuse, is, in most instances, a good to society;

(2) The passage of an act for eugenical sterilization;

(3) The appropriatoin to meet the terms of the Sheppard-Towner bill.

Resolved, That the Secretary of the St. Helena Parent-Teacher association is instructed to furnish a report of this meeting, together with these Resolutions, to the Legislative Council of Montana Women, to the Honorable, the Senate and House of Representatives of the State of Montana in Legislature convened, and to such newspapers as will bring the actions of the St. Helena Parent-Teacher association most generally before the people of the State of Montana.

By the President: MRS. S. A. COONEY.

By the Secretary: MRS. JAS. T. CARROLL.

MRS. P. T. McDERMOT.

MRS. EARL BROWN.

MRS. B. V. McCABE.

Committee."

## NOTICES.

Author gave notice that he will on tomorrow or some subsequent date introduce a bill as follows:

By Sandy: "A Bill for an Act entitled: 'An Act to amend subdivision 1 of Section 5030 of the Revised Codes of Montana, 1921, relating to the powers of mayors.'"

## REPORTS OF SELECT COMMITTEES.

The Special Committee to make the necessary preparations for the address of General Graves reported as follows:

"We, your Special Committee appointed to make the necessary preparations for the address of General Graves to a joint session of the House and Senate to be held this afternoon immediately following the ceremonies connected with the presentation of a distinguished service medal to Justice Galen, beg leave to report as follows:

The invitation of the House asking the Senate to join in such session has been accepted by the Senate.

The presentation ceremonies will take place in front of the Capitol at two o'clock this afternoon. The committee is informed that such ceremonies will last three-quarters of an hour.

The committee recommends that when the House recesses this morning it recess to meet again immediately upon the conclusion of such ceremonies and the House being then re-convened that it notify the Senate thereof, and that, thereupon, the Senate be invited to meet in the House chamber in the same manner as at the time of the reading of the Governor's message. That when the joint session has been called to order, a committee be appointed to notify General Graves and his staff and party that the House and Senate are meeting in joint session and are ready to receive them and that thereupon, the committee so appointed retire and escort General Graves and his party to the Clerk's desk, where General Graves will be introduced to the joint assembly.

We further recommend that upon the conclusion of the address of General Graves, the joint session adjourn without further ceremony.

POPE,  
TERRETT,  
SMITH,

Committee."

On motion of Pope, report adopted.

## REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received:

"Mr. Speaker:

We, your Committee on Agriculture having had under consideration H. B. No. 41, introduced by Cronk, being a Bill for an Act entitled: "An Act to amend Section 8370 of the Revised Codes of Montana of 1921, relating to Foreclosure of Threshermen's Liens," respectfully report as follows: That H. B. No. 41 do not pass.

McCORMACK, Chairman."

On motion of McCormack, report adopted.

"Mr. Speaker:

We, your Committee on Agriculture having had under consideration H. B. No. 15, introduced by McCarty, a Bill for an Act entitled: "An Act to provide for a lien upon growing crops, for labor performed in and upon the Planting, Cultivating, Care and Harvesting of such Crops," respectfully report as follows: That H. B. No. 15 do not pass.

McCORMACK, Chairman."

On motion of McCormack, report adopted.

"Mr. Speaker:

We, your Committee on Agriculture having had under consideration H. B. No. 20, introduced by Duffy, being a Bill for an Act entitled: "An Act declaring the Purpose of the State of Montana to Supervise and Regulate the Marketing



of Farm products; preventing unjust discrimination, Fraud and Extortion in the marketing of same; establishing a system of grading, weighing and measuring farm products; defining the scope and manner of such supervision, and the powers and duties of persons charged with same; providing for licensing buyers, solicitors, elevators and warehouses handling such farm products; and making an appropriation therefor," respectfully report as follows: That your Committee on Agriculture respectfully asks further time for the consideration of this bill.

McCORMACK, Chairman."

On motion of McCormack, report adopted.

"The Committee on Enrollment reported H. B. No. 1 properly enrolled."

Report adopted.

"Mr. Speaker:

We, your Committee on Townships and Counties having had under consideration H. B. No. 50, a Bill for an Act entitled: "An Act to amend Sections 4614 and 4622 of the Revised Codes of Montana, 1921, relating to County Bonds," respectfully report as follows: That H. B. No. 50 be recommended for passage.

SPENCER, Chairman."

On motion of Spencer, report adopted.

"Mr. Speaker:

We, your committee on Townships and Counties having had under consideration, H. B. No. 49, a Bill for an Act entitled: "An Act to amend section 4717 of the Revised Codes of Montana, 1921, relating to the borrowing of money by Boards of County Commissioners," respectfully report as follows: That H. B. No. 49 be recommended for passage.

SPENCER, Chairman."

On motion of Spencer, report adopted.

"Mr. Speaker:

We, your Committee on Townships and Counties having had under consideration H. B. No. 44, a Bill for an Act entitled: "An Act Prohibiting County Officers loaning tools, machinery, implements or other property or equipment belonging to the county," respectfully report as follows: That H. B. No. 44 be recommended for passage.

SPENCER, Chairman."

"Mr. Speaker:

"We your Committee on Education having had under consideration, H. B. No. 12, by Goodman, A Bill for an Act entitled: "An Act to amend Section 1294 of the Revised Codes of Montana of 1921, relating to Superintendent of City and County High Schools," respectfully report as follows: That H. B. No. 12 do not pass.

GULLIDGE, Chairman."

Moved by Gullidge, duly seconded that the report be adopted.

Moved by Goodman, as a substitute motion, and duly seconded, that the bill be printed. Substitute motion failed.

Original motion carried, report adopted.

Mr. Speaker gave notice that he was about to sign H. B. No. 1 and thereupon signed the same.

"Mr. Speaker:

We, your Committee on Education having had under consideration H. B. No. 22, by Pilgeram, a Bill for an Act entitled: "An Act to amend Section 1005 of the Revised Codes of Montana of 1921, relating to the office of Clerk of a School District," respectfully report as follows: That H. B. No. 22 do not pass.

GULLIDGE, Chairman."

On motion of Gullidge, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary having had under consideration H. B. No. 13, by Goodman, entitled: "An Act to amend Section 8890 of the Revised Codes of Montana, of 1921, relating to who are competent to act as juror," re-

spectfully recommend that the bill do not pass, as the subject matter is covered by House Bill No. 33.

KENYON, Chairman."

On motion of Goodman, report adopted.

"Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration H. B. No. 53, introduced by Brandjord, entitled: "A Bill for an Act relating to the issuing of bonds, requiring the State of Montana and all political subdivisions of the State and other taxing units having the power of issuing bonds to give preference to amortization bonds; to accept serial bonds or straight term bonds only when amortization bonds can not be negotiated to good advantage; defining these various classes of bonds; and repealing acts and parts of acts in conflict with the provisions of this act, respectfully report as follows: That H. B. No. 53 be reported back with the recommendation that it do pass.

ARNOLD, Chairman."

On motion of Arnold, report adopted.

Upon request of Kenyon, and with unanimous consent, reverted to:

### NOTICES.

Author gave notice that he will on tomorrow or some subsequent date introduce bills as follows:

By Kenyon: "A Bill for an Act entitled: 'An Act to amend Section 12103 of the Revised Codes of Montana of 1921, relating to the executions of death, where such executions are to take place and who are to be present.'"

### INTRODUCTION OF BILLS AND MEMORIALS.

The following bills were introduced, read first and second times by title only, and referred to committees as follows:

H. B. No. 70, by Nelson: "A Bill for an Act entitled: 'An Act to amend Article XII of the Constitution of the State of Montana relating to taxation, by striking out all of Sections 1, 2, 3, 7, 11 and 16 thereof and inserting in lieu of said sections a new section to be known and designated as Section 1, and by renumbering the remaining sections of said article.'" (Committee on Constitutional Amendments.)

H. B. No. 71, by Andrus: "A Bill for an Act entitled: 'An Act to amend Section 5034 of the Revised Codes of the State of Montana, 1921, pertaining to the duties of City Treasurer and to provide for the deposit and control of all public moneys in the possession of and under the control of city and town treasurers and providing for the payment of interest on all such moneys.'" (Committee on Affairs of Cities.)

H. B. No. 72, by Pope: "A Bill for an Act entitled: 'An Act to amend Section 4919 of the Revised Codes of Montana of 1921 relating to fees of clerks in probate proceedings.'" (Committee on Judiciary.)

H. B. No. 73, by Scharnikow: "A Bill for an Act entitled: 'An Act to amend Section 11688 of the Revised Codes of Montana of 1921 relating to the presentation of accusations against officers by a grand jury.'" (Committee on Judiciary.)

H. B. No. 74, by Rodgers and Maury: "A Bill for an Act entitled: 'An Act requiring the labeling of all cloth, fabrics, garments or articles of apparel sold or offered for sale in this State which contain wool, or purport to contain wool; to provide penalties for the violation of this law and to repeal all acts and parts of acts in conflict herewith.'" (Committee on Improvement and Manufacturing.)

### MOTIONS AND RESOLUTIONS.

Moved by Oker, duly seconded and carried that the chair appoint three committees of three members each to co-operate with the Senate in the investigation proposed by the resolution of the Senate, contained in Senat communications this day received.

## THIRD READING OF HOUSE BILLS.

H. B. No. 10, by Pope, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Buell, Burke, Buttleman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clark, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total, 94.

Noes: None.

Absent and not voting: Berryman, Cowley, Gillette, McAfee, Peden, Scharnikow. Total, 6.

H. J. M. No. 2, by Carlson of McCone, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Buell, Burke, Buttleman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total, 95.

Noes: None.

Absent and not voting: Cowley, Gillette, Pope, Smith, Terrett. Total, 5.

Moved by Gullidge, duly seconded and carried, that the House recess until after the ceremonies in connection with the decoration of Major Galen, and that after the address of General Graves the House stand adjourned, without necessity of further motion, until Wednesday, January 17th, at 10:30 a. m.

## AFTERNOON SESSION.

House resumed at 3:40 p. m.

Mr. Speaker in the chair.

Moved by Terrett, duly seconded and carried that a committee of three be appointed by the chair to notify the Senate that the House was in session and ready to receive them in joint assembly.

Mr. Speaker named Rodgers, Terrett and Kelly of Pondera.

The committee reported its duty performed.

The Sergeant-at-Arms having announced the Senate, the members of the Senate then appeared and occupied seats with members of the House.

Lieutenant Governor Story, having assumed the chair, announced that Mr. Speaker would preside over the joint session.

Moved by Harmon, of Gallatin, duly seconded and carried that a committee of six, three from the House and three from the Senate, be appointed to escort General Graves to the bar of the House.

Mr. Speaker named: Senator Kane, Senator Siegfredit, Senator Curtin, Representative Pope, Representative Smith, Representative Terrett.

General William S. Graves then appeared, was escorted to the Chief Clerk's desk, was introduced by Associate Justice Albert J. Galen, and addressed the members of the House and Senate in joint session assembled.

The address being completed, Mr. Speaker then declared the joint assembly dissolved.



In accordance with motion at the adjournment of the morning session, the House adjourned without further motion until Wednesday, January 17th, at 10:30 p. m.

CALVIN CRUMBAKER, Speaker.

Attest: JAMES A. SHOEMAKER, Chief Clerk.

## SEVENTEENTH DAY

House of Representatives,  
January 17, 1923.

House convened pursuant to adjournment at 10:30 a. m.

Mr. Speaker in the chair.

On roll call all members present except: Cowley and Gillette, excused.

The Committee on Journal reported as follows:

“Mr. Speaker:

We, your Committee on Journal, have this day examined the Journal for the 16th legislative day and found the same correct.

BUCHANAN, Chairman.”

## COMMUNICATIONS AND PETITIONS.

### COMMUNICATIONS FROM THE SENATE.

“Heltna, Montana, January 16, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the President of the Senate this day appointed the following committee to-wit:

To consider and investigate the administrations of public affairs by all executive departments, and executive officers of the State: Paul, Dowlin, Clark.

To consider and investigate the administrations of public affairs by all state boards and commissions: Spear, Pomeroy, J. H. Stewart of Meagher.

To consider and investigate the conduct and administration of the affairs of all the state institutions, including the educational institution: Dearborn, Rhoades, Duncan.

Respectfully,

J. F. CONE, Secretary of the Senate.”

Moved by Boorman, duly seconded, that the following Senate communications be considered read at length:

“January 16th, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee on Rules made the following report: on roll call report adopted.

“Your Rules Committee to whom was referred a motion by the Committee on Employees to change Rule No. 6, beg leave to report that the change contemplated by the employment committee comes more properly under Rule No. 2, and submit the following in lieu of the motion submitted by the employment committees as an amendment to Rule No. 2, Sub-division 4.”

By Harmon, Paul and Church: Control of rooms, officers and employees.

“The rooms, passages and buildings set apart for the use of the Senate shall be under the control and direction of the President of the Senate and he may assign places to reporters. The President shall see that all officers and employees of the Senate perform their respective duties; in all cases where disputes or complaints arise or where questions of competency, decorum or discipline are involved concerning employees hired by the Committee on Employees of the Senate, the President may in his discretion refer such matters to the Committee on Employees for final determination and such committee shall report its action to the Senate.

Very respectfully,

J. F. CONE, Secretary of the Senate.”

"January 16th, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were introduced, read first and second times and referred to the following committees:

Senate Bill No. 31, by Pomeroy: A Bill for an Act entitled: "An Act to establish a game preserve in a portion of Lincoln county for the protection of game animals and birds, to be known as Wolf Creek game preserve, and providing penalties for the killing, hunting, trapping and pursuing any game animals or birds in such preserve, or the carrying of fire arms therein." Referred to Committee on Fish and Game.

Senate Bill No. 32, by Henderson: A Bill for an Act entitled: "An Act providing for the participation of policy holders in the election of directors of corporations organized in this state for the transaction of the business of life insurance upon the stock plan, and repealing any and all acts or parts of acts in conflict therewith, and providing for this act becoming effective upon its passage and approval." Referred to Committee on Insurance.

Respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, January 16, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 7, by Kenyon: "An Act to amend Section 9443 of the Revised Codes of Montana of 1921, relating to redemption of property from execution sales or foreclosure sales," was read first and second times and referred to the Committee on Judiciary.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, January 16, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the President in open session signed House Bill No. 1, by Oker.

Respectfully,

J. F. CONE, Secretary of the Senate."

"January 16, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Senate Bills were this day introduced, read first and second times and referred to committees:

Senate Bill No. 27, by Cowan: "An Act providing for the re-recording or unadjudicated water rights appropriations during the year 1923 and every tenth year thereafter; providing that all unadjudicated water right appropriations remaining unre-recorded after January first, 1924, and every tenth year thereafter, shall be null and void and shall be cancelled of record; prescribing the contents of the notice of re-recording; prescribing the duties of the County Clerk and Recorder and the fees for re-recording; providing that the rights under a re-recorded appropriation shall relate back to the date of the original appropriation, and that the record thereof shall be prima facie evidence in all courts of this State as to the matters and things therein stated." Referred to Committee on Irrigation and Water Rights.

Senate Bill No. 28, by Oliver: "An Act prohibiting the carrying or possession of deadly weapons by persons engaged in the manufacture, transportation, sale or disposition of intoxicating liquor in violation of Federal or State law, defining the terms 'intoxicating liquor' and 'deadly weapons' and providing penalties for the violation of this act." Referred to Committee on Counties and Towns.

Senate Bill No. 29, by McQuitty: "An Act amending Sections 4867, 4869, 4870, and 4871 of the Revised Codes of Montana of 1921, relating to the salaries of county officers and deputies and repealing all acts in conflict therewith." Referred to Committee on Counties and Towns.

Senate Bill No. 30, by McQuitty: "An Act amending Sections 4875 and 4880 of the Revised Codes of Montana of 1921, relating to the number of deputy county officers, and repealing Sections 4881, 4882, and 4883 of said codes and all acts and parts of acts in conflict herewith." Referred to Committee on Counties and Towns.

Very respectfully,

J. F. CONE, Secretary of the Senate."

#### OTHER COMMUNICATIONS.

"January 16, 1923.

The Speaker,  
House of Representatives,  
Helena, Montana.

I have the honor to advise you that I have this day approved the following House Bill:

No. 1—Relating to taxation and regulating of the sale of property for taxes delinquent in the year 1922, and remitting the penalty for such delinquent taxes for said year if paid before October 1, 1923.

JOS. M. DIXON, Governor."

#### NOTICES.

Authors gave notice that they will on tomorrow or some subsequent date introduce bills as follows:

By Facey: "A Bill for an Act entitled: 'An Act providing for the licensing and regulating of pool halls, billiard halls and card rooms: providing the amount of such license, the manner of applying for and granting the same, and providing for the revocation thereof for the violation of this act: requiring all persons engaged in the active management of such pool halls, billiard halls or card rooms, and all employees thereof, to file monthly affidavits to the effect that intoxicating liquors have not been sold, bartered, exchanged or given away in or about such place of business during the preceding month, and declaring the making of a false affidavit to be perjury.'"

By Peden: "A Bill for an Act entitled: 'An Act to prohibit possession of and traffic in lophopora, Williamsii or peyote (pellote) and agova Americans (sometimes known as mescol buttons) and providing penalties for its violation.'"

By Bosley: "A Bill for an Act entitled: 'An Act to amend Sections 8812 and 8813 Revised Codes of Montana 1921, defining judicial districts, and fixing the number of judges for each districts.'"

By Kelly of Silver Bow: "A Bill for an Act entitled: 'An Act defining number of hours which shall constitute a hotel day, and to make the rates uniform, compelling the landlord to post in a conspicuous place inside of each room, the price of the room per day: and providing a penalty therefore.'"

By Flynn: "A Bill for an Act entitled: 'An Act to control the possession, sale, and use of pistols and revolvers, to provide penalties, and for other purposes.'"

By Bernard: "A Bill for an Act entitled: 'A rule providing that all appropriation bills be introduced in the House not later than the 40th day.'"

By Strange: "A Bill for an Act entitled: 'An Act to amend Sections 2346, 2347, 2348, 2350, 2351 and 2352 of Chapter 183, of the Political Code of Montana of 1921, and to impose a license tax based upon the gross value of merchantable ore treated or sold by or from metalliferous mines, in lieu of the license on net proceeds as heretofore provided in said chapter.'"

By Bosley: "A Bill for an Act entitled: 'An Act authorizing cities and towns to include unplatted, undedicated or unsurveyed lots, pieces or parcels of land lying wholly within the boundaries of the city or town within special improvement districts and to assess same for its proportionate share of the cost of making or maintaining special improvements in the same manner as other property within the boundaries of such city or town.'"

By Bernard: "A Bill for an Act entitled: 'A law providing for a state forestry department, defining its functions in the protection, development, and perpetuation of the Montana state forests.'"



## REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received:

"Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bills Nos. 6-54 beg leave to report, that the same have this date been returned from the printer correctly printed.

BRAY, Chairman."

Report adopted.

"Mr. Speaker:

We, your Committee on State Boards and Officers having had under consideration H. B. No. 42, introduced by Cowley: "A Bill for an Act entitled: 'An Act to amend Section 12463 of the Revised Codes of Montana, 1921, relating to the State Prison Fund,'" respectfully report as follows: That H. B. No. 42 be reported back to the House with the recommendation that it do pass.

OSTBY, Chairman."

On motion of Ostby, report adopted.

Bernard requested special leave for the members of the Committee on Highways to withdraw from the House for a meeting at 2:00 p. m. Monday, January 22. Request granted.

Majority of Committee on Affairs of Cities reported as follows:

"Mr. Speaker:

We, the majority of your Committee on "Affairs of Cities" having had under consideration H. B. No. 17, introduced by Maury: "A Bill for an Act entitled: 'An Act authorizing the city or town council of all cities and towns to create and maintain a police department and provide for the exclusive management and control thereof, the appointment, compensation, regulation, discipline and removal of all members thereof, and repealing Sections 5097 to 5101 inclusive and Sections 5105 to 5108 inclusive of the Revised Codes of Montana of 1921, and all acts and parts of acts in conflict herewith,'" respectfully report as follows: That H. B. No. 17 do not pass.

BENEDICT,  
ANDREW,  
DEAN,  
MURPHY,  
FLYNN,  
BOSLEY,  
LEASE, Chairman."

Minority of Committee on Affairs of Cities reported as follows:

"Mr. Speaker:

We, the minority of your Committee on Affairs of Cities having had under consideration H. B. No. 17: "A Bill for an Act entitled: 'An Act authorizing the city or town council of all cities or towns to create and maintain a police department, and provide for the exclusive management and control thereof, the appointment, compensation, regulation, discipline and removal of all members thereof, and repealing Section 5097 to 5101 inclusive and Sections 5105 to 5108 inclusive of the Revised Codes of Montana of 1921, and all acts and parts of acts in conflict herewith,'" respectfully report as follows: That H. B. No. 17 respectfully recommend that the said House bill do pass.

WOLD,  
TROY,  
SCHARNIKOW,  
MAURY,  
TAYLOR."

Moved by Maury as a substitute and seconded that the minority report be adopted.

Moved by Goodman, duly seconded and carried that further consideration of the above reports be postponed until 2 p. m.

Moved by Cavanaugh, duly seconded and carried that the House recess until 2:00 p. m.

## AFTERNOON SESSION.

House resumed at 2:00 p. m.  
Mr. Speaker in the chair.

## REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received:

Upon request of Andrew for a roll call, duly seconded, the following vote was cast upon the substitute motion of Maury that the minority report of the Committee on Affairs of Cities be adopted:

Ayes: Armstrong, Arnold, Bergstrom, Brandjord, Buell, Burke, Davis (Fergus), Denny, Elliott, Fulsher, Goodman, Hamilton, Hawley, Johnson, Kelly (Pondera), Kennedy, Larson (Richland), Lemmon, McAfee, McCarty, McLeod, Maury, Nelson, O'Connell, Oker, Pope, Rasmussen, Rodgers, Roscow, Sandy, Scharnikow, Spencer, Swift, Taylor, Terrett, Troy, Wold, Zuck, Mr. Speaker. Total, 39.

Noes: Andrew, Andrus, Baker, Benedict, Bernard, Berryman, Bohling, Boorman, Bosley, Bray, Bricker, Buchanan, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Wibaux), Dean, Dell, Duffy, English, Flynn, Gillin, Gullidge, Hanson, Harris, Hoffman, Holton, Joffray, Kelly (Silver Bow), Kenyon, Kinville, Larsen (Sheridan), Lease, Leavens, Loble, McCormack, Murphy, Mushbach, Myrick, Peden, Perrine, Pilgeram, Ruffcorn, Seidensticker, Smethurst, Smith, Stoddard, Stoner, Strange, Tawney, Tierney. Total, 56.

Absent and not voting: Cowley, Facey, Gillette, Ostby, Ridle. Total, 5.

Moved by Pope, as a substitute for all motions, duly seconded and carried that H. B. No. 17 be printed.

"Mr. Speaker:

We, your Committee on Education having had under consideration H. B. No. 9, introduced by Kenyon: "A Bill for an Act entitled: 'An Act to authorize and empower boards of trustees of school districts to establish endowment funds defining same limiting the uses thereof providing for the investment of endowment funds in securities and defining the duties of the County Treasurers with relation thereto and providing for memorials to patrons of endowment funds,'" respectfully report as follows: That H. B. No. 9, that Section 1 be amended by inserting after the word and figure Section 1," (All school districts and boards of trustees thereof on behalf of such districts are hereby authorized and empowered to accept gifts, legacies and devices, subject to the conditions imposed by the deed of the donor, or will of the testator, or without any conditions imposed.) and also amend Section 3, by adding thereto the following: (Whenever any school district has been abandoned, and the territory comprising the same has been attached to a contiguous district, the endowment fund of such abandoned district shall be transferred and placed in the endowment fund in the district to which such territory is attached.) and as so amended recommend that Bill No. 9 do pass.

GULLIDGE, Chairman."

On motion of Gullidge, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration H. B. No. 11 by Brandjord, entitled: "A Bill for an Act relating to the investment of the Permanent Common School fund and of the other permanent institution funds of the state; prescribing the kinds of securities in which these funds shall be invested; requiring some of these securities to be payable on the amortization plan; authorizing the converting of bonds and farm mortgages now held by the State into amortization bonds and mortgages; and amending and re-enacting Sections 1928, 1930 and 1932 of the Revised Codes of Montana of 1921," recommend that the bill be amended to read as follows:

We recommend that Section 1928B, be amended by striking out after the words "Board or Officers," the following words, "invested with the power to issue or re-issue such bonds, make application for such amortization bonds," and inserting in lieu thereof the following: "have been authorized by law to issue amortization bonds," and that said section be further amended by striking out

after the words, "land commissioners determine," the words, "The same proceedings shall be had by the issuing board or officers in changing to amortization bonds as those required for issuing funding bonds."

That Section 2, be amended by inserting after the words "Provided, however," and before the words, "that in passing," the following: "That the applicant must reside upon and personally operate the farm lands upon which the loan is to be made and."

That Section 3, be amended by inserting after the words, "interest to be paid," and before the word "semi-annually," the words, "annually or," and by striking out after the word "semi-annually," the words, "on June 15th and December 15th."

And that when so amended the bill do pass.

COMMITTEE ON JUDICIARY,

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration H. B. No. 60, entitled: "An Act prohibiting persons from operating motor cars or vehicles while in an intoxicated condition, and prescribing the penalty therefor," recommended that the bill be amended to read as follows:

Section 1, strike out the words, "and he shall be precluded from driving or operating any motor car or vehicle for a period of ninety (90) days from and after the date of such conviction."

Strike out all of Section 2, and in lieu thereof insert the following:

"Section 2. In any case prosecuted under this act proof that the defendant did, within three hours prior to the time it is charged that the offense was committed, drink any intoxicating liquor, shall be prima facie evidence that the defendant was intoxicated at the time the offense is alleged to have been committed."

And that when so amended the bill do pass.

COMMITTEE ON JUDICIARY,

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on State Lands having had under consideration H. B. No. 14, introduced by Brandjord, being a Bill for an Act entitled: "An Act providing for the amortization plan of payment for state lands; setting forth the contents of certificates of purchase; authorizing certificates of purchase now outstanding to be converted into new amortization certificates, and amending and reenacting Section 1860 and 1861 of the Revised Codes of Montana of 1921, respectfully report as follows: That H. B. No. 14 be amended to read as follows:

That the words "and one fifth (1-5)" in Section 1, Line 5, be stricken out and in lieu thereof the words "than fifteen percent of the purchase price" be inserted.

That the words "semi-annually, on June 15th and December 15th of each year" in Section 1, Line 10, be stricken out and in lieu thereof the words "annually from date of sale" be inserted.

That the words "one fifth (1-5)" in Section 2, Line 4, be stricken out in lieu thereof the words "fifteen percent" be inserted.

That the words "public school fund" in Section 2, Line 26, be stricken out and in lieu thereof the words "permanent institution fund" be inserted.

And that as so amended the bill do pass.

CRONK, Chairman."

On motion of Cronk, report adopted.



## INTRODUCTION OF BILLS AND MEMORIALS.

The following bills were introduced, read first and second times by title only, and referred to committees as follows:

H. B. No. 75, by Sandy: "A Bill for an Act entitled: 'An Act to amend Subdivision 1 of Section 5030 of the Revised Codes of Montana, 1921, relating to the powers of mayors.'" (Committee on Affairs of Cities.)

H. B. No. 76, by Scharnikow: "A Bill for an Act entitled: 'An Act to amend Sections 5228 and 5229 of the Revised Codes of Montana of 1921, relating to the area embraced in special improvement districts, and to protests against such work.'" (Committee on Affairs of Cities.)

H. B. No. 77, by Flynn: "A Bill for an Act entitled: 'An Act to amend Section 5036 of the Revised Codes of the State of Montana, 1921, to provide for the deposit and control of all public moneys in the possession of and under the control of city or town treasurer; providing for the payment of interest on all such moneys and to amend section 5036 of the Revised Codes of the State of Montana of 1921.'" (Committee on Affairs of Cities.)

H. B. No. 78, by Committee on Judiciary: A Bill for an Act entitled: 'An Act to amend Section 12103 of the Revised Codes of Montana of 1921 relating to the execution of death, where such executions are to take place and who are to be present.'" (Committee on Judiciary.)

## MOTIONS AND RESOLUTIONS.

Moved by McCormack, duly seconded and carried that the House reconsider its action, whereby the report of the Committee on Agriculture on House Bill No. 15 was adopted.

Moved by McCormack, duly seconded and carried that H. B. No. 15 be re-referred to the Committee on Agriculture.

The following motion by Bray was referred to the Committee on Rules, Joint Rules and Order of Business:

"Mr. Speaker:

Owing to the increased demand for House Bills I move that the Printing Committee be permitted to increase the number of printed bills from 500 to 800 as it becomes necessary.

BRAY."

Upon request of Duffy, and with unanimous consent, reverted to:

## NOTICES.

Author gave notice that he would on tomorrow or some subsequent date introduce bills as follows:

"Mr. Speaker:

By Duffy: "A Bill for an Act entitled: 'An Act amending Section 1938 of the Revised Codes of Montana of 1921 relating to the foreclosure of State land loans and the sale of such lands bid in by the State at foreclosure sale, and providing for the re-sale thereof to the original mortgagor, his heirs or legatees, on the amortization plan.'" "

Moved by Gullidge, duly seconded and carried that the House adjourn until Thursday, January 18, at 10:30 a. m.

CALVIN CRUMBAKER, Speaker.

Attest: JAMES A. SHOEMAKER, Chief Clerk.

## EIGHTEENTH DAY

House of Representatives,  
January 18, 1923.

House convened pursuant to adjournment at 10:30 a. m.

Mr. Speaker in the chair.

Prayer by the Chaplain.

On roll call all members present except: Cowley, Fulsher and Gillette, excused.

The Committee on Journal reported as follows:

"Mr. Speaker:

We, your Committee on Journal, have this day examined the Journal for the 17th legislative day and found the same correct.

BUCHANAN, Chairman."

#### COMMUNICATIONS AND PETITIONS.

#### COMMUNICATIONS FROM THE SENATE.

"Helena, Montana, January 17, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate this day confirmed appointments made by His Excellency, the Governor, as per copy of letter attached.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, January 17, 1923.

The President of the Senate,  
Senate Chamber,  
Helena, Montana.

I hereby nominate and by and with the consent of the Senate do appoint the following named persons to be members of the State Board of Education.

A. J. Violette of Missoula County, for the term ending February 1, 1926.

Sidney Sanner, of Silver Bow County, for the term ending February 1, 1926.

JOS. M. DIXON, Governor."

"Helena, Montana, January 17, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee on Printing this day reported Senate Bill No. 8 correctly printed.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, January 17, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee on Committees this day made the following report:

Committee on Compensation—Cooper, Chairman; Loy, Mears, Walker. Muffy.

Committee on Constitutional Amendments—Stewart, T. P., Chairman; Loy, Church.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, January 17, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following notices were this day introduced:

By McQuitty: "An Act to amend Section 4464 of the Revised Codes of the State of Montana of 1921 relating to the compensation, mileage and expenses of the members of the Boards of County Commissioners."

By Oliver: "An Act amending Section 162 of the Revised Codes of Montana of 1921, relating to the Commissioner of Insurance."

Very respectfully,

J. F. CONE, Secretary of the Senate."

Moved by Gullidge, duly seconded and carried that the following communication be considered read at length.

"January 17, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were introduced, read first and second times, and referred to the following committees:

Senate Bill No. 33, by Haaland: "An Act to amend Sections 10904 and 10908 of the Revised Codes of Montana of 1921, relating to unfair discrimination in purchase price and sales price of commodities." Referred to Committee on Agriculture.

Senate Bill No. 34, by Taylor: "An Act prohibiting the formation of combinations and conspiracies to blacklist wage-workers, and combinations and conspiracies to restrict the liberties of wage-workers as citizens; prescribing penalties for violation, and remedies for the enforcement of this act, and defining and declaring the policy of the State with reference to the subject matter of this act." Referred to Committee on Capital and Labor.

Senate Bill No. 35, by Demel: "An Act relating to the execution and affidavit of good faith required in chattel mortgages and amending Section 8276 of the Revised Codes of Montana, 1921." Referred to Committee on Judiciary.

Senate Bill No. 36, by McQuitty: "An Act to amend Sections 8936 and 8940 of the Revised Codes of Montana, 1921, so as to prohibit persons not citizens of the United States from practicing as attorneys or counsellors in any court of this State, and revoking the certificates or licenses of all such persons now licensed to practice as such attorneys or counselors." Referred to Committee on Judiciary.

Senate Bill No. 37, by Demel: "An Act to amend Section 9256 of the Revised Codes of Montana relating to when attachment may issue." Referred to Committee on Judiciary.

Very respectfully,

J. F. CONE, Secretary of the Senate."

#### OTHER COMMUNICATIONS.

Caplis presented a communication from the Silver Bow Trades and Labor Council, relating to the repeal of the Metropolitan Police Law, which was, upon motion of Scharnikow, considered read at length and referred to the Committee on Affairs of Cities.

Stoner presented a communication and petition from sundry citizens of Plentywood, relative to the keeping of kennels within the limits of a city, which was, upon motion of Gullidge, considered read at length and referred to the Committee on Dairying.

"January 18, 1923.

Mr. Speaker:

We, your Committee on Railroads and Transportation having had under consideration H. B. No. 62, respectfully report as follows:

That there will be a public hearing next Tuesday, January 23rd, at 8 p. m. at the Placer Hotel on H. B. No. 62, the so-called Full Crew Bill.

We also wish to have reasonable time after the said hearing to report out findings back to the House.

DEAN, Chairman."

The Committee on Printing reported as follows:

"Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bills Nos. 50, 44, 49, 53, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman."

#### NOTICES.

Authors gave notice that they will on tomorrow or some subsequent date introduce bills as follows:

By Dean: "A Bill for an Act entitled: 'An Act for the promotion of thrift and savings, to provide loans for farmers and workers, and to authorize the organization of cooperative banks.'"



By Bosley: "A Bill for an Act entitled: 'An Act amending Section 5266 of the Revised Codes of Montana of 1921 relating to the contract for maintenance of lights in lighting districts and the assessment to pay the cost thereof.'"

By Kelly of Silver Bow: "A Bill for an Act entitled: 'An Act providing for the supervision and regulation of the transportation of persons and property for compensation over any public highway in the State of Montana by motor vehicles, motor trucks, motor busses, bus trailers, semi-trailers and other motor vehicles; defining what constitutes transportation for compensation, defining transportation companies, and providing for the supervision and regulation thereof by the railroad commission of Montana; providing for the enforcement of this act and the punishment for violations thereof and declaring an emergency.'"

### REPORTS OF STANDING COMMITTEES

The following reports of standing committees were received.

"Mr. Speaker:

We, your Committee on Irrigation and Water Rights having had under consideration H. B. No. 64, introduced by Goodman: "A Bill for an Act entitled: 'An Act to amend Sections 7147 and 7148 of the Revised Codes of Montana of 1921, relating to the appropriation of fees and expenses of water commissioners,'" respectfully report as follows: That H. B. No. 64 be amended as follows:

Section 1 be amended by inserting in line 13 after the word "report" the following: "By registered letter containing return receipt to be signed by the addressee or his agent."

Section 2, line 32, be amended to read as follows: "At least five days' notice of the date and time of such hearing." And this bill being so amended, be recommended for passage.

PERRINE, Vice Chairman."

On motion of Hanson, report adopted.

"Mr. Speaker:

We, your Committee on Public Morals having had under consideration H. B. No. 46: "A Bill for an Act entitled: 'An Act declaring every child to be the legitimate child of its natural parents; making such child an heir of such parents, and providing the procedure for establishing such parentage,'" respectfully report as follows: That H. B. No. 46 do pass.

FACEY, Chairman."

On motion of Facey, report adopted.

"Mr. Speaker:

We, your Committee on Petroleum, Oil, and Gas, having had under consideration H. B. No. 55: "A Bill for an Act entitled: 'An Act amending Section 8375 and Section 8377 of the Revised Codes of the State of Montana 1921 relating to liens for labor and materials furnished to owners of leaseholds for oil and gas purposes and for materials and labor for the construction of oil and gas pipe-lines and prescribing a title of perfecting and enforcing such laws,'" respectfully report as follows: That H. B. No. 55 do pass.

TROY, Chairman."

On motion of Troy, report adopted.

### INTRODUCTION OF BILLS AND MEMORIALS.

The following bills were introduced, read first and second times by title only, and referred to committees as follows:

H. B. No. 79, by Flynn: "A Bill for an Act entitled: 'An Act to control the possession, sale, and use of pistols and revolvers, to provide penalties, and for other purposes.'" (Committee on Military Affairs.)

H. B. No. 80, by Zuck: "A Bill for an Act entitled: 'An Act legalizing the acts of boards of school trustees in purchasing or building dormitories, furnishing and equipping the same.'" (Committee on Education.)

H. B. No. 81, by Strange: "A Bill for an Act entitled: 'An Act to amend Section 2346, 2347, 2348, 2350, 2351 and 2352 of Chapter 183 of the Political Code of Montana, and to impose a license tax based upon the gross value of

merchantable ore treated or sold by or from metalliferous mines in lieu of the license on net proceeds as heretofore provided in said chapter." (Committee on Revenue and Taxation.)

H. B. No. 82, by Bosley: "A Bill for an Act entitled: 'An Act to amend Sections 8812 and 8813 of the Revised Codes of Montana, 1921, defining judicial districts, and fixing the number of judges for each district.'" (Committee on Judiciary.)

H. B. No. 83, by Bosley: "A Bill for an Act entitled: 'An Act authorizing cities and towns to include unplatted, undedicated or unsurveyed lots, pieces or parcels of land lying wholly within the boundaries of the city or town within special improvement districts and to assess same for its proportionate share of the cost of making or maintaining special improvements in the same manner as other property within the boundaries of such city or town.'" (Committee on Affairs of Cities.)

### CONSIDERATION OF GENERAL ORDERS.

Moved by Gullidge, duly seconded and carried that House resolve itself into a Committee of the Whole.

Hanson in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole having had under consideration H. B. No. 6, and H. B. No. 54, respectfully report back with the recommendation that H. B. No. 6 be re-referred to Judiciary Committee; and H. B. No. 54 do pass.

HANSON. Chairman."

On motion of Hanson, report adopted.

Upon request of Swift, and with unanimous consent, reverted to:

### MOTIONS AND RESOLUTIONS.

The following resolution was introduced by Swift and read at length:

"Resolution introduced by Swift, providing for the appointment of three several committees, and providing for their powers and duties

Whereas, A communication from the Senate informs the House that three several committees consisting of three members each, have been appointed by the President of the Senate to:

(1) Consider and investigate the administration of public affairs by all state boards and commissions, the expenses of their respective administrations, and make such recommendations to the Senate as in their judgment may be wise and expedient, to the end that all such state boards and commissions may be conducted in the most economical way consistent with the public service, and that any abuses, extravagancies, unnecessary expenditures, or any violations of the law which may be discovered, may be corrected.

(2) To investigate the administration of public affairs by all executive departments and executive officers of the state government and to make a full report to the Senate upon the conduct of all business of said several executive departments and executive officers, the expenses of their respective administrations, and make such recommendations to the Senate as in the judgment of the committee may be wise and expedient to the end that all such executive departments and executive offices may be conducted in the most economical way consistent with public services, and that any abuses, extravagances, unnecessary expenditures, or any violation of the law, which may be discovered, may be corrected.

(3) To investigate the conduct and administration of the affairs of all state institutions, including the educational institutions of the state, and make a full report to the Senate upon the conduct of all the business of the said several state institutions, including educational institutions, the expenses of their respective administrations, and make such recommendations to the Senate as in its judgment may be wise and expedient, to the end that all such state institutions

may be conducted in the most economical way consistent with the public service, and that any abuses, extravagances, unnecessary expenditures, or any violations of law, which may be discovered, may be corrected; and

Whereas, The following motion by Oker of Lewis and Clark in the session of the Sixteenth Legislative day was duly made and carried, to-wit:

"In view of the invitation that was extended by the Senate, requiring us to appoint three committees to co-operate with like committees from the Senate in the investigation of the civil government, I hereby move that the Chair appoint three committees of three members each to co-operate with the Senate in this investigation;" and

Whereas, The Senate Resolution was not a joint resolution, and carries no authorization for any acts on the part of the House committees;

Therefore, Be it Resolved, That the powers and duties of the House committees be as follows:

(1) That one of the committees provided in the motion by Oker, shall consider and investigate the administration of public affairs by all state boards and commissions of the State of Montana, and make a full report to the House upon the conduct of all the business of the said several state boards and commissions, the expenses of their respective administrations, and make such recommendations to the House as in their judgment may be wise and expedient, to the end that all such state boards and commissions may be conducted in the most economical way consistent with the public service, and that any abuses, extravagances, unnecessary expenditures, or any violations of law, which may be discovered may be corrected; and

(2) That one committee provided in the motion by Oker, shall consider and investigate the administration of public affairs by all of the executive departments and executive officers of the state government, and make a full report to the House upon the conduct of all the business of the said several executive departments, and executive officers, the expenses of their respective administrations, and make such recommendations to the House as in the judgment of the committee may be wise and expedient, to the end that all such executive departments and executive offices may be conducted in the most economical way consistent with the public service, and that any abuses, extravagances, unnecessary expenditures or any violations of law which may be discovered, may be corrected; and

(3) That the third committee provided by the motion by Oker, shall consider and investigate the conduct and administration of the affairs of all state institutions, including educational institutions of the state, and make a full report to the House upon the conduct of all the business of the said several state institutions, including educational institutions, the expenses of their respective administration, and make such recommendation to the House as in its judgment may be wise and expedient, to the end that all such state institutions may be conducted in the most economical way consistent with public service, and that any abuses, extravagances, unnecessary expenditures, or any violation of law, which may be discovered, may be corrected.

And Be it Further Resolved, That said committees and each of them are hereby empowered to hold hearings, subpoena, swear and examine witnesses, and do all things necessary to carry out the purposes of this Resolution.

And Be It Further Resolved, That said several committees hereinbefore mentioned, are hereby authorized and directed to co-operate in as full a measure as possible with the like committees appointed by the president of the Senate.

And Be it Further Resolved, That each of the committees hereinbefore named is directed to proceed with investigations hereby imposed upon it and to make a report to the House of the results of its investigation and its findings, and conclusions, as soon as possible."

Since the resolution called for an expenditure of money, Mr. Speaker referred same to the Committee on Appropriations.

The following resolution was introduced by Tawney, and motion of Scharni-kow was referred to the Committee on Appropriations:

"Whereas, Legislation pending in the Eighteenth Legislative Assembly of Montana contemplates and if enacted will restrict further "Federal Aid Highway" construction to projects in process of completion; and



Whereas, In that event much more money may be realized from the gasoline tax than will be needed to supervise, complete, and maintain Federal and State highway projects; and

Whereas, The deflation of agriculture in general and the impoverishment of our grain growers in particular has developed a situation which makes their immediate relief and aid imperative; and

Whereas, There is pending in the Congress of the United States legislation designed and intended to give financial relief and aid to agricultural interests and among others grain growers; and

Whereas, It is believed that the use of State controlled storage facilities in some one or more of our grain marketing centers will yield great advantage to our grain growers, individually and collectively, by giving them control of the time of selling their grain rather than have the sale thereof controlled by their necessities, and by giving them the advantage of the collective or co-operative marketing of large quantities of certain grades and qualities of wheat and any premium that may be demanded and obtained for such grades and qualities when sold in quantities; therefore

Resolved, That the Committee on Appropriations be and it hereby requested and instructed to ascertain and report whether it be possible to set aside and appropriate five hundred thousand (\$500,000.00) dollars, or so much thereof as may be necessary as a revolving fund to be used by the Commissioner of Agriculture in renting or leasing storage facilities in some one or more of the grain marketing centers for the storage of Montana wheat, and in aiding Montana wheat growers to avail themselves of the advantages of such storage facilities, as well as the financial aid which may be provided by Federal legislation. It being intended that such facilities and the operation thereof shall be provided Montana grain growers at actual cost, and without other cost to the State than that incident to State supervision and control and the use of such revolving fund.

TAWNEY."

Tawney was excused for Friday and Saturday.

Moved by Gullidge, duly seconded and carried that the House recess until 1:30 p. m.

#### AFTERNOON SESSION.

House resumed at 1:30 p. m.

Mr. Speaker in the chair.

The Committee on Engrossment reported H. B. No. 54 correctly engrossed.

#### COMMUNICATIONS AND PETITIONS.

Ras mussen presented a petition from sundry taxpayers of School District 41M, relating to state high school apportionment, which was, upon motion of Myrick, considered read at length and referred to the Committee on Education.

#### MOTIONS AND RESOLUTIONS.

Moved by Gullidge, duly seconded and unanimously carried that the following paragraph, which appeared in the rules of the 17th Assembly, be added to Rule 10, Section 1, of the Rules of the 18th Assembly, when printed, and that stickers containing same be provided for those already printed, to-wit: "Whenever a committee report on any bill, petition, memorial or resolution, carries an amendment, said amendment shall accompany said report in triplicate."

#### THIRD READING OF HOUSE BILLS.

H. B. No. 54, by Scharnikow, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Arnold, Baker, Berryman, Bohling, Boorman, Brandjord, Bray, Bricker, Buchanan, Buell, Burke, Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Elliott, Facey, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Johnson, Kelly (Silver Bow), Ken-

nedy, Kenyon, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Murphy, Myrick, Ostby, Peden, Perrine, Pilgeram, Pope, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Troy, Wold, Nelson, Zuck, Mr. Speaker. Total, 39.

Noes: Andrew, Armstrong, Benedict, Bergstrom, Bernard, Bosley, Buttelman, Cady, Caplis, Carlson (Gallatin), Duffy, English, Flynn, Gillin, Goodman, Holton, Joffray, Kelly (Pondera), Kinville, Maury, Mushbach, O'Connell, Oker, Seidensticker, Smethurst, Tierney. Total, 26.

Absent and not voting: Andrus, Cowley, Fulsher, Gillette, Rasmussen. Total, 5.

Upon request of Buell, and with unanimous consent, House reverted to:

### REPORTS OF STANDING COMMITTEES

The following reports of standing committees were recieved:

"Mr. Speaker:

We, your Committee on Appropriations having had under consideration House Resolution No. 3, introduced by Swift, providing for the appointment of three several committees, and provided for their powers and duties, respectfully report as follows: That House Resolution No. 3 be amended as follows:

1. That on page 2 line 24 the word "Senate" be stricken out and in lieu thereof insert the word "House."

2. That on page 3 in line 4 the word "Senate" be stricken out and in lieu thereof insert the word "House."

3. That on page 3 line 18 the word "Senate" be stricken out and in lieu thereof insert the word "House."

4. That on page 3 line 21 the word "no" before the word abuses be stricken out and in lieu thereof insert the word "any."

5. Amend said resolution by adding the following at the end thereof:

"All committees provided for herein are hereby authorized in their discretion when necessary for the purposes of their investigation to call before them for the purposes of examination any officer or employees of any of the various state institutions."

That said resolution be further amended by appending to the end thereof the following:

"All investigations and all hearings contemplated by any committee shall be had at the city of Helena and at no other place, and that they shall be conducted at no expense to the State."

When so amended, do pass.

BUELL, Chairman."

On motion of Buell, report adopted.

"Mr. Speaker:

We, your Committee on Mileage and Per Diem beg to submit the following supplemental report, correcting the mileage in our original report of Albert Holton of Cohagen, Montana.

Mileage given in former report .....	838
Correct mileage .....	906
Amount of mileage yet due .....	68
Amount still due .....	\$6.80

This error was due to a misunderstanding in reporting the distance of Cohagen from Miles City, the distance between the two places being 68 miles, the committee having added 68 miles to the distance from Miles City to Helena and return, wherein the distance should have been doubled from Miles City to Cohagen, making the round trip distance.

Respectfully submitted,  
FLYNN, Chairman."

On motion of Flynn, report adopted.

Upon request of Facey, and with unanimous consent, reverted to:

## COMMUNICATIONS AND PETITIONS.

## "NOTICE.

There will be a meeting of the Committee on Public Morals, Charities and Reform at 7:30 p. m. Monday evening, January 22, at the Placer Hotel, to take up the Loble Resolution. Those interested may be heard on matters pertinent to the Resolution as referred back to committee.

FACEY."

## MOTIONS AND RESOLUTIONS.

Moved by Oker, duly seconded and carried that the Resolution of Swift be adopted pursuant to the recommendation of the Committee on Appropriations, and that the three committees be appointed.

Mr. Speaker named the committees as follows:

Committee to Investigate State Boards and Commissions: Bernard, Tawney, Oker.

Committee to Investigate the Executive Departments: Hanson, Cronk, Brandjord.

Committee to Investigate State Institutions: Myrick, Leavens, Scharnikow.

Upon request of Oker, and with unanimous consent, reverted to:

## NOTICES.

Author gave notice that he will on tomorrow or some subsequent date introduce a bill as follows:

By Oker: "A Bill for an Act entitled: 'An Act repealing Section 11,179 of the Revised Codes of the State of Montana, 1921, having to do with the powers and duties of cities and towns in the matter of gambling and gambling houses.'"

Moved by Gullidge, duly seconded and carried that the House adjourn until Friday, January 19, at 10:30 a. m.

CALVIN CRUMBAKER, Speaker

Attest: J. A. SHOEMAKER, Chief Clerk.

## NINETEENTH DAY

House of Representatives,  
January 19, 1923.

House convened pursuant to adjournment at 10:30 a. m.

Mr. Speaker in the chair.

Prayer by the Chaplain.

On roll call all members present except: Cowley, Gillette and Tawney, excused.

The Committee on Journal reported as follows:

"Mr. Speaker:

We, your Committee on Journal, have this day examined the Journal for the 18th legislative day, and make the following correction, namely, that Tawney be shown excused instead of Duffy, as shown on the proceedings report.

BUCHANAN, Chairman."

## COMMUNICATIONS AND PETITIONS.

## COMMUNICATIONS FROM THE SENATE.

On motion of Boorman, the following communications were considered read:

"Helena, Montana, January 18, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were introduced, read first and second times, and referred to the following committees;



By Loy: Senate Joint Memorial No. 3: "A Memorial to the Congress of the United States to enact such legislation as will remove the causes for farmers receiving inadequate prices for their products, and to better their economic conditions." Referred to Committee on Agriculture.

By Oliver, Senate Bill No. 38: "An Act amending Section 162 of the Revised Codes of Montana of 1921, relating to the commissioner of insurance." Referred to Committee on Insurance.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, January 18, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following notices for the introduction of bills were this day presented:

By Pomeroy: "An Act to amend Section 1294 of the Montana Codes of 1921 respecting the requirement of district and high school boards of trustees in the appointment of a superintendent."

By Rorvik: "An Act amending Sections 3403 and 3406 of the Revised Codes of Montana of 1921 relating to running bulls at large on the public range, and repealing Section 3404 and all acts and parts of acts in conflict herewith."

By McCone: "An Act repealing Section 675 and 676, Revised Codes of Montana of 1921, relating to the printing of campaign books in the primary election for president."

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, January 18, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Committee of the Whole to whom was referred business on general file, report that they have had under consideration Senate Bill No. 8 and recommend that the consideration of same be passed; also

Senate Bill No. 12, and recommend that same be amended.

Amend Section 1 by inserting at the end of said section after the word "assessable," the words—

Provided, however, that nothing in this Act shall be construed as affecting fraternal associations or secret societies, which may insure the lives of their members only," and when so amended do pass.

HALEY, Chairman.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, January 18, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that upon motion of Senator Siegfriedt which was duly seconded, Senate Bill No. 8 was segregated from the report of the Committee of the Whole and re-referred to the Judiciary Committee.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"January 18, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following standing committee reports were this day read and adopted:

Judiciary Committee: Senate Bill No. 25, and recommend that said bill do not pass.

Senate Bill No. 14, and recommend that said bill do not pass.

Senate Bill No. 10, and recommend that said bill do not pass.

Senate Bill No. 4, and recommend that same be amended by striking from Section 3 of said bill the words "its passage and approval" and inserting in lieu thereof the words, "the 31st day of March, 1923."

Senate Bill No. 16, and recommend that said bill do pass.

Committee on Capital and Labor: Senate Bill No. 26, that same be amended in Section 4, the words, "materialmen's and mechanics' liens" be stricken out, and the words, "threshermen's liens," be inserted in lieu thereof.

Senate Bill No. 34, recommend that said bill do pass.

Insurance Committee: Senate Bill No. 32, recommend that said bill do pass.

Committee on Printing: Reported Senate Bill Nos. 11 and 21 as having been correctly printed.

Very respectfully,

J. F. CONE, Secretary of the Senate."

#### OTHER COMMUNICATIONS.

Troy presented a communication from the Hingham Commercial club, which was read and on motion of Rodgers, referred to Committee on Banks and Banking.

A notice from the president of the Rod and Gun club relative to the meeting at Missoula was read.

#### NOTICES.

Authors gave notice that they will on tomorrow or some subsequent day introduce bills as follows:

By Leavens: "A Bill for an Act entitled: 'An Act to provide for the establishment, government, and maintenance of city planning commissions within municipalities, and prescribing their powers and duties.'"

By Leavens: "A Bill for an Act entitled: 'An Act to provide for the establishment within municipalities of districts or zones within which the use of property, height of improvements and required open spaces for light and ventilation of such buildings, may be regulated by ordinance.'"

By Tierney: "A Bill for an Act entitled: 'An Act to regulate the use of artesian wells to prevent the waste of water flowing therefrom, and defining "waste" as used for the purpose of this act and to provide penalties for the violation of this act.'"

By Bray: "A Bill for an Act entitled: 'An Act to establish a tannery at the state penitentiary and providing an appropriation therefore.'"

By Larsen of Sheridan: "A Bill for an Act entitled: 'An Act to amend Section 1023 of the Revised Codes of Montana of 1921, relating to the creation of new school districts.'"

By Scharnikow: "A Bill for an Act entitled: 'An Act authorizing city treasurers to invest moneys in sinking funds, in bonds and warrants of the United States, the State of Montana, and the various counties, cities and school districts of the state, and prescribing the method of making such investments.'"

The Committee on Printing reported as follows:

"Mr. Speaker:

We, your Committee on Printing, to whom was referred H. Bs. Nos. 14, 17, 42, 60, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman."

#### REPORTS OF STANDING COMMITTEES

The following reports of standing committees were received:

Committee on Development and Publicity having requested additional time to work on H. R. No. 1, it was moved by Gullidge, duly seconded and carried that additional time be granted.

"Mr. Speaker:

We, your Committee on New Counties and Divisions having had under consideration H. B. No. 63, introduced by Scharnikow: "A Bill for an Act entitled: 'An Act to regulate the creation of counties in territory contiguous to certain parts of the Missouri river.'" respectfully report as follows: That H. B. No. 63 recommend that it do pass.

CARLSON of McCone, Chairman."

On motion of Carlson of McCone, report adopted.

"Mr. Speaker :

We, your Committee on Agriculture having had under consideration H. B. No. 15, by McCarty, being a Bill for an Act entitled: "An Act to provide for a lien upon growing crops for labor performed in and upon the planting, cultivating, care and harvesting of such crops," respectfully report as follows: That said House Bill No. 15 do not pass, but hereby offer Substitute House Bill No. 15, by the Committee on Agriculture, and recommend that the same do pass.

McCORMACK, Chairman."

On motion of McCormack, report adopted and bill referred to Committee on Printing.

"Mr. Speaker :

We, the Committee on Ways and Means having had under consideration House Bill No. 57 by Cowley, entitled: "An Act to amend Section 221 and to repeal Section 6085 of the Revised Codes of Montana of 1921 relative to fees to be paid to defray the expenses of the State Examiner," recommend that the bill be amended to read as follows:

That in line 23 of Section 1 after the word "fee" insert the words "to the State Treasury." That in line 41 of Section 1 after the word "fee" insert the words "to the State Treasury."

And that when so amended the bill do pass.

THE COMMITTEE ON WAYS AND MEANS,

By ARNOLD, Chairman."

On motion of Arnold, report adopted.

"Mr. Speaker :

We, your Committee on Revenue and Taxation having had under consideration H. J. M. No. 1, respectfully report as follows:

That H. J. M. No. 1 do not pass.

SWIFT, Chairman."

On motion of Swift, report adopted.

"Mr. Speaker :

We, your Committee on Judiciary, having had under consideration H. B. No. 72, by Pope, entitled, "An Act to amend Section 4919 of the Revised Codes of Montana of 1921 relating to fees of clerks in probate proceedings," respectfully report as follows:

We recommend that said bill be amended by inserting after the word, "shall" in line 30, on page 1, the words, "unless the Court for good cause shown shall otherwise order," and by substituting the word "five" for the word "ten" in the same line, and when so amended that the bill do pass.

COMMITTEE ON JUDICIARY

By KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker :

We, your Committee on Judiciary, having had under consideration H. B. No. 34, by Gullidge, entitled: "An Act to amend Section three (3) of Chapter 144 of the acts of the Sixteenth Legislative Assembly of the State of Montana relating to judges of the Sixteenth judicial district," respectfully report back with the recommendation that it do pass.

COMMITTEE ON JUDICIARY,

By KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker :

We, your Committee on Judiciary, having had under consideration H. B. No. 3, by Kenyon, entitled: "An Act to amend Section 4916 of the Revised Codes of Montana of 1921, relating to fees of sheriffs," respectfully report that.



Under Article 5, Section 25, of the Constitution, a Bill that is extended or re-enacted must be re-enacted in its entirety, and we recommend that this Bill do pass.

COMMITTEE ON JUDICIARY,

By KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration H. B. No. 78, introduced by the Committee on Judiciary, entitled: "An Act to amend Section 12103 of the Revised Codes of Montana of 1921 relating to the execution of death, where such executions are to take place and who are to be present," respectfully report back with the recommendation that it do pass.

COMMITTEE ON JUDICIARY,

By KENYON, Chairman."

On motion of Kenyon report adopted and bill referred to Committee on Printing.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration H. B. No. 73, by Scharnikow, entitled: "An Act to amend Section 11688 of the Revised Codes of Montana of 1921 relating to the presentation of accusations against officers by a grand jury," beg leave to report as follows:

That said House Bill No. 73, do not pass, but we offer in lieu thereof substitute for House Bill No. 73, introduced by Scharnikow, a Bill for an Act entitled: "An Act to amend Section 11688 of the Revised Codes of Montana of 1921 relating to the presentation of accusations against officers by a grand jury and the calling of a grand jury in certain cases." and recommend that it do pass.

COMMITTEE ON JUDICIARY,

By KENYON, Chairman."

On motion of Kenyon, report adopted.

## INTRODUCTION OF BILLS AND MEMORIALS.

The following bills were introduced, read first and second times by title only, and referred to committees as follows:

H. B. No. 84, by Kelly of Silver Bow: "A Bill for an Act entitled: 'An Act providing for the supervision and regulation of the transportation of persons and property for compensation over any public highway in the State of Montana by motor vehicles, motor trucks, motor busses, bus-trailers, semi-trailers and other motor vehicles; defining what constitutes transportation for compensation, defining transportation companies, and providing for the supervision and regulation thereof by the railroad commission of Montana; providing for the enforcement of this act and the punishment for violation thereof and declaring an emergency.'" (Committee on Railroads and Transportation.)

H. B. No. 85, by Kelly of Silver Bow: "A Bill for an Act entitled: 'An Act regulating number of hours which shall constitute a hotel day to make uniform rates; compelling the proprietor, or manager, or land lord to put or post in a conspicuous place on the inside of each room a written or printed notice of the price charged for said room per day.'" (Committee on Public Health and Sanitary.)

H. B. No. 86, by Bosley: "A Bill for an Act entitled: 'An Act amending Section 5283 Revised Codes of Montana, 1921, relating to taxes for interest and sinking funds of bonded indebtedness of cities or towns, fixing place of payment of such interest and bonds and providing for the method of investing such sinking fund.'" (Committee on Affairs of Cities.)

H. B. No. 87, by Bosley: "A Bill for an Act entitled: 'An Act amending Section 5266 of the Revised Codes of Montana of 1921, relating to the contract for maintenance of lights in lighting districts and the assessment to pay the cost thereof.'" (Committee on Affairs of Cities.)

H. B. No. 89, by Oker: "A Bill for an Act entitled. 'An Act repealing Section 11,179 of the Revised Codes of the State of Montana, 1921, having to do with the powers and duties of cities and towns in the matter of gambling and gambling houses.'" (Committee on Affairs of Cities.)

Moved by Oker, duly seconded and carried that H. B. No. 89 be recalled from the Committee on Public Morals, Charities and Reforms, and referred to the Committee on Affairs of Cities.

Upon request of Hoffman, and with unanimous consent, the Committee on Agriculture was permitted to introduce the following bill without notice, which was read first and second times and referred to the Committee on Constitutional Amendments:

H. B. No. 88, by Committee on Agriculture: "A Bill for an Act entitled: 'An Act to amend Article XII of the Constitution of the State of Montana, relating to revenue and taxation, by adding a new section thereto providing for the levying of taxes for the purpose of insuring growing crops against loss or damage by hail.'" (Committee on Constitutional Amendments.)

Upon request of Pope, and with unanimous consent, reverted to:

### NOTICES.

Authors gave notice that they will on tomorrow or some subsequent date introduce bills as follows:

By Pope, Elliott, Brandjord and Nelson: "A Bill for an Act entitled: 'An Act empowering and authorizing cities and towns to enact ordinances prohibiting the introduction into, the manufacture of, the transporting of, the illegal possession of, and the selling, exchange, giving away, bartering or disposing of any ardent spirits or any compound thereof, capable of being used as a beverage, or any brandy, whiskey, rum, gin, beer, ale, porter, wine or any intoxicating liquor of any kind within such city or town; and also empowering and authorizing such cities and towns to make places where such liquors are manufactured, possessed, sold, exchanged, given away, bartered or disposed of in violation of law, common nuisances; and authorizing such cities and towns to provide penalties for the violation of the provisions of ordinances adopted pursuant to this act and authorizing and empowering such cities to provide by ordinance for the prosecution in police courts of persons guilty of violating such ordinances.'" "

By Loble and Scharnikow: "A Bill for an Act entitled: 'An Act to amend Section 11702 of the Revised Codes of Montana of 1921, relative to the removal of public officers.'" "

### MOTIONS AND RESOLUTIONS.

Moved by Scharnikow, duly seconded and carried that the House reconsider vote upon motion of Oker to adopt Swift resolution, as reported back by the Committee on Appropriations yesterday.

Moved by Scharnikow, duly seconded that the Swift Resolution above mentioned be re-referred to the Committee on Appropriations.

Previous question, moved by Myrick, duly seconded and carried.

Question arose on motion of Scharnikow to re-refer, and upon request by Loble for a roll call, duly seconded, the vote was cast as follows:

Ayes: Andrew, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bosley, Brandjord, Bricker, Buchanan, Buell, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Davis (Fergus), Davis (Wibaux), Dean Dell, Denny, Duffy, English, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hanson, Harris, Hawley, Holton, Joffray, Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larsen (Sheridan), Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smith, Spencer, Stoddard, Strange, Swift, Taylor, Tierney, Zuck, Mr. Speaker. Total, 78.

Noes: Andrus, Boorman, Bray, Cronk, Elliott, Facey, Hoffman, Johnson, Kelly (Pondera), Larson (Richland), Lease, McLeod, Smethurst, Terrett, Troy, Wold. Total, 16.

Absent and not voting: Bohling, Cowley, Hamilton, Stoner, Tawney, Gillette. Total, 6.

Moved by Gullidge, duly seconded and carried that the House recess until 2:00 p. m.

### AFTERNOON SESSION.

House resumed at 2:00 p. m.

Mr. Speaker in the chair.

Upon request of Tierney, and with unanimous consent, reverted to:

### NOTICES.

Authors gave notice that they will on tomorrow or some subsequent date introduce bills as follows:

By Tierney: "A Bill for an Act entitled: 'An Act to empower trustees in school districts in which no high school is maintained, or in which a full four year high school course is not maintained, to send pupils to the free county high school or the high school of another district participating in the county high school tax levy.'"

By Pilgeram: "A Bill for an Act entitled: 'An Act to provide for the insurance of all public buildings of the state and of the several counties of the state and of the public school buildings by the State Board of Examiners.'"

By Stoner, Duffy and Tierney: "A Bill for an Act entitled: 'An Act to protect the lives, health and morals of women and minor workers and to establish maximum hours; authorizing and empowering the industrial accident board to fix such maximum hours and standard conditions of labor for such workers; providing for the appointment of a field secretary of the Industrial Accident Board, fixing the salary and duties: providing penalties for the violations of this act: making an appropriation therefor; and repealing all acts or parts of acts in conflict herewith.'"

### MOTIONS AND RESOLUTIONS.

The following resolution, introduced by Duffy and others, was read:

"Whereas, A great portion of the members of this Assembly were elected by their constituents in the interest of economy and the curtailment of unnecessary expenses; and

Whereas, The citizens of this State are watching with great interest the actions of this Assembly;

Now Therefore, Be It Resolved, That it be the sense of this Assembly that it should immediately proceed to the transaction of all possible business with dispatch with the view of concluding the work before us at the earliest possible moment, and that there should be no further adjournments considered other than that over Sunday and that the session should meet at 10 o'clock each day.

DUFFY.

McCORMACK.

PEDEN.

BRICKER.

WOLD.

McAFEE.

LARSEN of Sheridan.

BUCHANAN.

DAVIS of Wibaux.

BERRYMAN.

HARRIS

Moved by Duffy and duly seconded, that resolution be adopted.

Moved by Andrew, as a substitute, duly seconded and carried that the resolution be referred to Committee on Rules, Joint Rules and Order of Business.

Moved by Bernard, duly seconded and carried that the following rule be made a part of the General Rules of the House, namely, that all appropriation bills shall be introduced in the House not later than the 40th day of the session, excepting by two-thirds vote of the House.

Upon request of Gullidge, and with unanimous consent proceeded to:



## CONSIDERATION OF GENERAL ORDERS.

Moved by Gullidge, duly seconded and carried, that House resolve itself into a Committee of the Whole for the consideration of General Orders, with the exception of H. B. No. 53.

Troy in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole having had under consideration H. B. No. 44, H. B. No. 49, H. B. No. 50, and H. B. No. 6, respectfully report back with the recommendation that:

H. B. No. 44, be amended by inserting in Section 1, the word, "private" before the word "person" in line 1; and by inserting a new section to be No. 2, which shall read as follows: "Any person who shall violate the provisions of this Act shall be guilty of a misdemeanor," and that Sections 2 and 3 be re-numbered 3 and 4 respectively; and that as amended, do pass.

H. B. No. 49, be amended as follows: Section 1, in line 8 after the word "money" insert the words "to refund outstanding bonds heretofore issued, or" and add at the end of line 10 the words: "The words 'outstanding bonds' as herein used shall not be construed to include outstanding warrants," and that as amended do pass.

H. B. No. 50, be amended as follows: In section 1 by inserting after the word "bonds" in line 14 the words: "Except bonds to refund outstanding bonds heretofore issued" and by adding at the end of the line 24 the words: "The words 'outstanding bonds heretofore issued' as herein used shall not be construed to include 'outstanding warrants,'" and that as amended, do pass.

H. B. No. 6, do pass.

TROY, Chairman."

Moved by Troy, and duly seconded that the report be adopted.

Movtd by Oker, duly seconded and carried that H. B. No. 6 be segregated from the report.

The motion by Troy, that report be adopted duly carried with respect to all bills except H. B. No. 6.

Moved by Oker and duly seconded that further action of the House, in adopting Committee of the Whole report with reference to H. B. No. 6, be indefinitely postponed. Oker's request for roll call being duly seconded, the following vote was cast:

Ayes: Armstrong, Benedict, Bergstrom, Berryman, Bosley, Buell, Burke, Buttelman, Carlson (Gallatin), Davis (Fergus), Davis (Wibaux), Dell, Denny, Duffy, Facey, Flynn, Fulsher, Gillin, Harris, Holton, Joffray, Kelly (Pondera), Kelly (Silver Bow), Kinville, Larson (Richland), Larsen (Sheridan), Loble, McCarty, Maury, Mushbach, O'Connell, Oker, Ostby, Pilgeram, Rasmussen, Ridle, Sandy, Smethurst, Taylor, Zuck. Total, 40.

Noes: Andrew, Andrus, Arnold, Baker, Boorman, Brandjord, Bray, Bricker, Buchanan, Cady, Caplis, Carlson (McCone), Cavanaugh, Clarke, Cronk, Dean, Elliott, English, Goodman, Gullidge, Hanson, Hawley, Hoffman, Johnson, Kennedy, Kenyon, Lease, Leavens, Lemmon, McAfee, McCormack, Murphy, Myrick, Nelson, Peden, Perrine, Pope, Rodgers, Roscow, Ruffcorn, Scharnikow, Seidensticker, Smith, Spencer, Stoddard, Strange, Swift, Terrett, Tierney, Troy, Wold, Mr. Speaker. Total, 52.

Absent and not voting: Bernard, Bohling, Cowley, Gillette, Hamilton, McLeod, Stoner, Tawney. Total, 8.

Moved by Oker for indefinite postponement having failed, the motion of Troy, that report be adopted, was put with respect to H. B. No. 6, and duly carried.

The Committee on Printing reported as follows:

"Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bills Nos. 9, 11, 64, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman."

Upon request of Buell, and with unanimous consent, reverted to:

## REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received:

“Mr. Speaker:

We, your Committee on Appropriations having had under consideration, House Resolution No. 3, introduced by Swift, “Providing for the appointment of three several committees and providing for their powers and duties,” respectfully report as follows: That House Resolution No. 3 be re-amended as follows:

That Section 5 of the amendments to House Resolution No. 3, be stricken out and in lieu thereof the following be added in place thereof:

“And be it further resolved that any expense incurred by the committees herein named will not exceed the amount of Three Hundred Dollars (\$300.00). Said Three Hundred Dollars (\$300.00) or so much thereof as may be necessary to be used out of the fund appropriated by the 18th Legislative Assembly for Incidental Expenses.

And be it further resolved that if in the opinion of any committee herein named, it becomes necessary to have additional funds to carry on the investigation of such committee, said committee may ask permission of the House for such additional funds.”

And when so amended, do pass.

BUELL, Chairman.”

On motion of Buell, report adopted.

“Mr. Speaker:

We, your Committee on Public Utilities and State Commissions, having had under consideration, H. B. No. 18, introduced by Scharnikow, a Bill for an Act entitled: “An Act to repeal Section 268 of the Revised Codes of Montana of 1921, relating to the employment of clerical help for state officers, and Sections 273 to 275 inclusive of said Code, relating to the employment and compensation of assistants to civil executive officers.” Respectfully report as follows: That H. B. No. 18 do pass.

BERRYMAN, Chairman.”

On motion of Berryman, report adopted.

Upon request of Facey, and with unanimous consent, reverted to:

## INTRODUCTION OF BILLS AND MEMORIALS.

The following bills were introduced, read first and second times by title only, and referred to committees as follows:

H. B. No. 90, by Facey: “A Bill for an Act entitled: ‘An Act providing for the licensing and regulating of pool halls, billiard halls, and card rooms; prescribing the amount of such license, the manner of applying for and granting the same, and providing for the revocation thereof for violations of this Act; requiring the filing of monthly affidavits by all persons engaged in the active management or operation of such pool halls, billiard halls or card rooms, and all employees thereof, to the effect that intoxicating liquors have not been sold, bartered, exchanged or given away in or about such place of business during the preceding month, and declaring the making of a false affidavit thereof to be perjury.’ ” (Committee on Public Morals.)

Sub. for H. B. No. 73, by Scharnikow: “A Bill for an Act entitled: ‘An Act to amend Section 11688 of the Revised Codes of Montana of 1921 relating to the presentation of accusations against officers by a grand jury and the calling of a grand jury in certain cases.’ ” (Committee on Judiciary.)

With unanimous consent, reverted to:

## COMMUNICATIONS AND PETITIONS.

## COMMUNICATIONS FROM THE SENATE.

“Helena, Montana, January 19, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bill No. 7, introduced by Church, was this day read third time and passed, titled agreed to, and is herewith transmitted to the House for its concurrence.

Also Senate Bill No. 20, introduced by Committee on Insurance, was this day read third time and passed, title agreed to, and is herewith transmitted to the House for its concurrence.

Also Senate Joint Memorial No. 1, introduced by Rhoads, was this day read third time and passed, title agreed to, and is herewith transmitted to the House for its concurrence.

Also Senate Concurrent Resolution No. 1, introduced by Harmon, was this day read third time and passed, title agreed to, and is herewith transmitted to the House for its concurrence.

Very respectfully,

J. F. CONE, Secretary of the Senate."

With unanimous consent, reverted to:

### INTRODUCTION OF BILLS AND MEMORIALS.

The following from the Senate were read first and second times by title and history only, and referred to committees, as follows:

S. B. No. 7 by Church: "A Bill for an Act entitled: 'An Act regulating the practice of podiatry; providing for the examination and licensing of podiatrists and penalties for the violation of this Act.' " (Committee on Public Health.)

S. B. No. 20, by Insurance Committee: "A Bill for an Act entitled: 'An Act amending Section 6124 of the Revised Codes of Montana of 1921, relating to certain duties of the State Auditor and Commissioner of Insurance.' " (Committee on Insurance.)

S. J. M. No. 1, by Rhoads: "Memorial to the Congress of the United States to enact such legislation as may be necessary to issue patents to farm units on federal reclamation projects in order that such farm units may become taxable." (Committee on Judiciary.)

S. Concurrent Res. No. 1, by Harmon: Relating to the proposed use of the Fort Ellis Military Reservation by the Agricultural Experiment Station. (Committee on Federal Relations.)

Moved by Gullidge, duly seconded and carried that the House adjourn until Monday, January 22, at 1:30 P. M.

CALVIN CRUMBAKER, Speaker.

Attest: J. A. SHOEMAKER, Chief Clerk.

### TWENTY-SECOND DAY

House of Representatives.

January 22, 1923.

House convened pursuant to adjournment at 1:30 P. M.

Mr. Speaker in the chair.

Prayer by the Chaplain.

On roll call all members present except: Buell, absent; Cowley, Gillette and Rasmussen, excused.

The Committee on Journal reported as follows:

"Mr. Speaker:

We, your Committee on Journal, have this day examined the Journal for the 19th Legislative day and found the same correct.

BUCHANAN, Chairman."

The Committee on Engrossment reported as follows: House Bills Nos. 6, 44, 49, 50 correctly engrossed.

### COMMUNICATIONS AND PETITIONS.

#### COMMUNICATIONS FROM THE SENATE.

On motion of Boorman, the following communications from the Senate were considered read:



"Helena, Montana, January 19, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee on Judiciary to whom was referred Senate Bill No. 37, introduced by Demel, having had the same under consideration, beg leave to report and recommend that said bill do not pass.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, January 19, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following notices of bills were this day presented:

By Leuthold: "An Act to amend Section 1938 of the Revised Codes of the State of Montana of 1921, providing for resale to the original owner all lands foreclosed upon under the State Land Loan Act and to provide for such resale under an amortization plan."

By Church: "An Act concerning aeronautics and to make uniform the law with reference thereto."

By Rhoads: "An Act to repeal the law providing for inspection of low pressure boilers used for heating purposes."

By McCone: "An Act to amend Section 537, Revised Codes of Montana of 1921, relating to the manner of publication of proposed constitution, constitutional amendments or other questions to be submitted to the people of Montana for popular vote, and repealing Section 105 of the Revised Codes of 1921."

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, January 19, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were introduced, read first and second times and referred to committees as designated:

Senate Bill No. 39, by McCone: "An Act repealing Section 675 and 676, Revised Codes of Montana of 1921, relating to the printing of campaign books in the primary election for President." Referred to Committee on Election and Privileges.

Senate Bill No. 40, by McQuitty: "An Act to amend Section 4464 of the Revised Codes of the State of Montana of 1921 relating to the compensation, mileage and expenses of members of the Board of County Commissioners." Referred to Committee on Counties and Towns.

Senate Bill No. 41, by Kirton: "An Act to amend Sections 3652, 3653, 3672, 3681, 3685, 3694, 3696, 3697, 3699, 3700, 3701, 3702, 3704, 3714, 3722, 3723, 3730, 3731, 3732, 3733, 3742, 3751, 3753, and repealing Sections 3686, 3698, and 3724 of the Revised Codes of Montana, relating to State Fish and Game Commission, fish and game, licenses, protection and propagation of fish and game." Referred to Committee on Fish and Game.

House Bill No. 54, by Scharnikow: Read first and second times and referred to Committee on Judiciary.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, January 19, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee on Agriculture this day reported House Joint Memorial No. 2 for concurrence.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, January 19, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee on Agriculture having had under consideration Senate Joint Memorial No. 3, reported as follows:

That Senate Joint Memorial No. 3 do not pass as subject matter is covered in House Joint Memorial No. 2.

Very respectfully,  
J. F. CONE, Secretary of the Senate."

#### OTHER COMMUNICATIONS.

A communication from Mr. Culbertson, the photographer, was read.

Wold presented a communication from State Auditor with reference to the Blue Sky laws, which was read.

Dean presented a communication from the Park County Bar Association, with reference to redistricting of Judicial Districts, which was read at length.

#### NOTICES.

Authors gave notice that they will on tomorrow or some subsequent date introduce bills as follows:

By Bricker: "A Bill for an Act entitled: 'An Act to amend Section 1215 of the Revised Codes of Montana of 1921 relating to the time County Assessor to report assessed valuation School Districts.'"

By Carlson of Gallatin: "A Bill for an Act entitled: 'An Act making it unlawful for any department of the state government and every state institution or agency requiring an appropriation from the state, to make expenditures, or incur obligations for an amount in excess of the appropriations for such department, institution or agency; providing exceptions; creating a contingency allotment fund, and placing it under the direction and control of the State Board of Examiners providing for the allotment of said fund and providing a penalty.' "

By Troy and Buchanan: "A Bill for an Act entitled: 'An Act to amend Sections 2065, 2169, 2175, 2176, 2177, 2269 and 2270 of the Revised Codes of Montana of 1921, relating to the time and method of collecting taxes and penalties for non-payment thereof; relating to the time, place, and manner of selling property for the non-payment of taxes and to the time of commencing action to recover taxes paid under protest, and repealing Sections 2182, 2183, 2184, 2185, 2186, 2188 and 2190 relating to the publication of delinquent tax lists.' "

By Loble by request: "A Bill for an Act entitled: 'An Act to amend Section 4053 Revised Codes of 1921, creating the office of investment commission.' "

By O'Connell: "A Bill for an Act entitled: 'An Act to amend Section 1622 of the Revised Codes of Montana of 1921, relating to the powers and duties of County Commissioners respecting highways, by amending sub-division 10 thereof.' "

By McCarty: "A Bill for an Act entitled: 'An Act to amend Section 4530 Revised Codes of Montana 1921, relating to the care and burial of indigent, sick or injured persons; providing for the services of a physician and the payment of the expenses thereof.' "

By Terrett: "A Bill for an Act entitled: 'An Act to amend Section 11528 of the Revised Codes of Montana of 1921, relating to gates and fences and prescribing punishment for violation of same.' "

By Roscow: "A Bill for an Act entitled: 'An Act to authorize and provide for the consolidation and merging of the corporate existence and government of the county of Silver Bow and all cities and towns therein into one municipal corporation and government under the corporate name 'city and county of Butte', defining the powers thereof and providing a commission-manager plan of government therefor.' "

## REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received:

"Mr. Speaker:

We, your Committee on State Boards and Officers, having had under consideration H. B. No. 24, introduced by Bosley, a bill for an Act entitled: "An Act making the clerk of the State Board of Examiners the clerk for the State Board of Pardons, the State Board of Commissioners for the Insane and the State Board of Prison Commissioners, and repealing Section 123 Revised Codes of Montana 1921," respectfully report as follows: That H. B. No. 24 do not pass.

OSTBY, Chairman."

On motion of Ostby, report adopted.

"Mr. Speaker:

We, your committee on Revenue and Taxation, having had under consideration H. B. No. 25 by Bosley, a Bill for an Act entitled: "An Act providing for the licensing of operators of motor vehicles, and suspension and revocation of such licenses in certain cases," respectfully report as follows: That H. B. No. 25 do not pass.

SWIFT, Chairman."

On motion of Swift, report adopted.

"Mr. Speaker:

We, your committee on Revenue and Taxation, having had under consideration, William McKinley G. A. R. Post of Billings Resolution, regarding exemption of civil war veterans from taxation on property of \$1000 or less, respectfully report as follows: That the above resolution do not pass. This recommendation is made on account of its far reaching effect.

SWIFT, Chairman."

On motion of Swift, report adopted.

Upon request of Bernard, and with unanimous consent, reverted to:

## REPORTS OF SELECT COMMITTEES.

Upon inquiry by Bernard, Mr. Speaker stated that the three committees appointed under the Swift resolution would confer with the Senate Committees without further direction by the House.

## INTRODUCTION OF BILLS AND MEMORIALS.

The Committee on Printing reported as follows:

"Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bills Nos. 15, 73, 18, 34, 57, 63, 72, 78, 46, 55, beg leave to report that the same have this day been returned from the printer correctly printed.

BRAY, Chairman."

The following bills were introduced, read first and second times by title only, and referred to Committees as follows:

H. B. No. 91, by Scharnikow: "A Bill for an Act entitled: 'An Act authorizing city treasurers to invest moneys in sinking funds, in bonds and warrants of the United States, the State of Montana and the various counties, cities, and school districts of the State and prescribing the method of making such investments.'" (Committee on Affairs of Cities.)

H. B. No. 92, by Pope, Elliott, Brandjord and Nelson: "A Bill for an Act entitled: 'An Act empowering cities and towns to prohibit by ordinance the introduction, manufacture, transporting, possession and the sale, exchange, giving away, bartering or disposing of ardent spirits, or any compound thereof capable of being used as a beverage, or any brandy, whisky, rum, gin, beer, ale, porter, wine, or any intoxicating liquor of any kind within such city or town; and empowering such city or town to provide penalties for the violation of the provisions of such ordinance and to provide penalties for the maintaining of common nuisances as defined in Section 11066 of the Revised Codes of 1921; and pro-



viding for the prosecution, trial, and punishment of violators of such ordinances in police courts.' " (Committee on Affairs of Cities.)

H. B. No. 93, by Pilgeram: "A Bill for an Act entitled: 'An Act to provide for the insurance of all public buildings of the state and of the several counties of the state and of the public school buildings by the State Board of Examiners.'" (Committee on Insurance.)

H. B. No. 94, by Larsen of Sheridan: "A Bill for an Act entitled: 'An Act to amend Section 1023 of the Revised Codes of Montana of 1921 relating to the creation of new school districts.'" (Committee on Education.)

H. B. No. 95, by Leavens: "A Bill for an Act entitled: 'An Act to provide for the establishment within municipalities of districts or zones within which the use of property, height of improvements and required open spaces for light and ventilation of such buildings, may be regulated by ordinance.'" (Committee on Affairs of Cities.)

H. B. No. 96, by Tierney: "A Bill for an Act entitled: 'An Act to empower trustees in school districts in which no high school is maintained, or in which a full four year school course is not maintained, to send pupils to the free county high school or the high school of another district participating in the county high school tax levy.'" (Committee on Education.)

H. B. No. 97, by Leavens: "A Bill for an Act entitled: 'An Act to provide for the establishment, government, and maintenance of city planning commissions within municipalities, and prescribing their powers and duties.'" (Committee on Affairs of Cities.)

H. B. No. 98, by Smethurst: "A Bill for an Act entitled: 'An Act relating to the weighing of coal loaded by miners or loaders in coal mines, providing penalties for the violation of this act and repealing all acts or parts of acts in conflict herewith.'" (Committee on Labor.)

H. B. No. 99, by Bosley: "A Bill for an Act entitled: 'An Act providing for the separation of the schools for the deaf, dumb and blind, from the schools of the feeble minded; and the locating of the school for the deaf, dumb and blind, in some large center of population.'" (Committee on State Boards and Officers.)

H. B. No. 100, by Loble and Scharnikow: "A Bill for an Act entitled: 'An Act to amend section 11702 of the Revised Codes of the State of Montana, 1921, relating to the removal of public officers.'" (Committee on Judiciary.)

H. B. No. 101, by Duffy: "A Bill for an Act entitled: 'An Act amending Section 1938 of the Revised Codes of Montana of 1921 relating to the foreclosure of state land loans and the sale of such lands bid in by the state at foreclosure sale, and providing for the re-sale thereof to the original mortgagor, his heirs or legatees, on the amortization plan.'" (Committee on State Lands.)

The following bill was introduced, read first and second times, and referred to the Committee on Labor for consideration of subject matter, after which it will pass to the Committee on Appropriation.

H. B. No. 102, by Stoner, Tierney and Duffy: "A Bill for an Act entitled: 'An Act to protect the lives, health and morals of women and minor workers, and to establish maximum hours: authorizing and empowering the industrial accident board to fix such maximum hours and standard conditions of labor for such workers; providing for the appointment of a field secretary of the industrial accident board, fixing her salary and duties; providing penalties for the violation of this act: making appropriation therefor: and repealing all acts and parts of acts in conflict herewith.'" (Committee on Labor.)

#### MOTIONS AND RESOLUTIONS.

The following resolution, presented by Burke, was read:

"Be it Resolved, That the State Bank Examiner be required to furnish this Assembly not later than January 27th, 1923,

First: The information of how many State banks there are in the State of Montana at the present time.

Second: How many State banks have failed since January 1st, 1922, to January 1st, 1923.

Third: Also to show in this report the date of the last examination was made of all banks, which have failed before their doors closed.

BURKE."

Moved by Maury, duly seconded and carried that the above resolution be adopted.

The following resolution by Duffy was read and referred to the Committee on Rules, Joint Rules and Order of Business:

"Whereas, Heretofore each session of the legislature has, for the last twenty days, been so rushed with work that the necessary time for intelligent consideration of proposed legislation has not been taken; and

Whereas, It is hardly fair to give a few of the members of this body the power, by being appointed on the steering committee, of deciding what measures introduced shall receive consideration by this House; and

Whereas, It will not be a hardship on any member to prepare and introduce his bills at a sufficiently early date so that each measure can get the consideration that it merits.

Now, Therefore, Be it Resolved, In the interest of more intelligent legislation, that the House of Representatives consider no House bills introduced after the fortieth legislative day, except those bills originating or emanating from a standing or special committee."

### THIRD READING OF HOUSE BILLS.

H. B. No. 6, by Kenyon, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Arnold, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Cady, Carlson (McCone), Clarke, Cronk, Denny, Elliott, Flynn, Gillin, Goodman, Gullidge, Hanson, Harris, Hawley, Hoffman, Holton, Johnson, Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Lease, Lemmon, McAfee, McLeod, Murphy, Mushbach, Myrick, Pope, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Smethurst, Smith, Spencer, Stoddard, Stoner, Troy, Wold, Mr. Speaker. Total, 49.

Noes: Andrew, Andrus, Armstrong, Baker, Benedict, Bergstrom, Berryman, Buchanan, Burke, Buttelman, Caplis, Carlson (Gallatin), Cavanaugh, Davis (Fergus), Davis (Wibaux), Dell, Duffy, English, Facey, Fulsher, Hamilton, Joffray, Kelly (Pondera), Larsen (Sheridan), Leavens, Loble, McCarty, McCormack, Maury, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Ridle, Seidensticker, Strange, Taylor, Tawney, Terrett, Tierney, Zuck. Total, 44.

Absent and not voting: Bernard, Buell, Cowley, Dean, Gillette, Rasmussen, Swift. Total, 7.

H. B. No. 44, by Perrine, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Bohling, Boorman, Brandjord, Bray, Bricker, Buchanan, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gillin, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total, 91.

Noes: Bosley, Goodman, Kennedy, Maury. Total, 4.

Absent and not voting: Bernard, Buell, Cowley, Gillette, Rasmussen. Total, 5.

H. B. No. 49, by Rodgers, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Baker, Berryman, Bohling, Boorman, Brandjord, Bray, Bricker, Buchanan, Burke, Buttelman, Caplis, Carlson (Galla-

tin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Fulsher, Gillin, Gullidge, Hamilton, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kinville, Larsen (Sheridan), Lease, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Murphy, Mushbach, Nelson, O'Connell, Oker, Peden, Pilgeram, Pope, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Zuck, Mr. Speaker. Total, 79.

Noes: Arnold, Benedict, Bergstrom, Bosley, Cady, Flynn, Goodman, Han-son, Kenyon, Larson (Richland), Leavens, Maury, Myrick, Ostby, Perrine, Wold. Total, 16.

Absent and not voting: Bernard, Buell, Cowley, Gillette, Rasmussen. Total, 5.

H. B. No. 50, by Rodgers, was read three several times and tile and history agreed to. Before result of the vote was announced, it was moved by Brandjord, duly seconded and carried that H. B. No. 50 be referred to Judiciary Committee.

Upon request of Swift, and with unanimous consent, reverted to:

### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received:

"Mr. Speaker:

We, your Committee on Revenue and Taxation having had under considera-tion H. B. No. 5, by Swift, a Bill for an Act entitled: "An Act relating to the State Board of Equalization, providing for the appointment and fixing the terms and salaries of the members thereof, prescribing its powers and duties and repeal-ing Section 113, and repealing or modifying such other sections of the Revised Codes of Montana of 1921 as conflict with the provisions of this act insofar as they do conflict or are inconsistent therewith," respectfully report as follows:

That H. B. No. 5 do not pass.

We submit in lieu of this bill Substitute for House Bill No. 5, introduced by Swift, a Bill for an Act entitled: "An Act relating to the State Board of Equalization, fixing the terms and salaries of the members thereof, prescribing its powers and duties and repealing Sections 113, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129 and 2130 of the Revised Codes of Montana of 1921," with the recommendation that the same do pass.

SWIFT, Chairman."

On motion of Swift, report adopted.

Substitute for H. B. No. 5, as above reported, was read first and second times, by title only and referred to the Committee on Printing.

### CONSIDERATION OF GENERAL ORDERS.

Moved by Gullidge, duly seconded and carried that House resolve itself into a Committee of the Whole.

Stoner in the chair.

Committee arose.

Speaker Pro Tem in chair.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole, having had under consideration House Bills Nos. 9, 11, respectfully report back with the recommendation that H. B. No. 11 be amended as follows:

Section 1, by inserting in line 26, between the word "officers" and the word "have" the following: "invested with the power to issue or reissue such bonds."

Also, by inserting in the same line between the word "been" and the word "authorized" the word "duly," and by striking out from line 27 the words "by law:"

Also, by striking out in Section 1, lines 8 and 9 the following words: "in safe bonds of irrigation districts within the State of Montana."



Also by striking out in Section 2, lines 10 and 11, the words "reside upon and personally operate the farm lands upon which the loan is to be made," and by inserting in lieu thereof the following words: "be an actual farmer," and when so amended, do pass.

H. B. No. 9, be amended as follows: Section 4, by striking out in lines 4, 5 and 6, the words: "They may be invested in bonds of irrigation districts created under the laws of the State of Montana, the payment of which is provided by taxation of lands under district irrigation laws."

Also by inserting in line 2 after the word "shall," the words "with the consent and approval of the Board of Trustees of such school district."

Also by adding at the end of line 4, the words: "No portion of any such fund shall be loaned to the school district to which the same shall belong, nor shall any such fund be invested in the warrants of such district."

Also Section 5, by inserting in line 1, after the word "keep," the word "the."

Also Section 2, by striking out in line 2 the word "bequestor" and inserting in lieu thereof the word "testator," and when so amended do pass.

STONER, Chairman."

On motion of Stoner, report adopted.

Moved by Cady, duly seconded and carried that House adjourn until Tuesday, January 23, at 10:30 a. m.

CALVIN CRUMBAKER, Speaker.

Attest: JAMES A. SHOEMAKER, Chief Clerk.

## TWENTY-THIRD DAY

House of Representatives,  
January 23, 1923.

House convened pursuant to adjournment at 10:30 a. m.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Upon roll call all members present except: Buell, absent; Cowley, Gillette and Rasmussen, excused.

The Committee on Journal reported as follows:

"Mr. Speaker:

We, your Committee on Journal, have this day examined the Journal for the 22nd legislative day and found the same correct.

BUCHANAN, Chairman."

## COMMUNICATIONS AND PETITIONS.

### COMMUNICATIONS FROM THE SENATE.

"Helena, Montana, January 22, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bill No. 12, introduced by Committee on Insurance, was this day read three several times, title agreed to, and is herewith transmitted to the House for concurrence.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, January 22, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee of the Whole to whom was referred business on general file, report and recommend that Senate Bill No. 21 be amended—

"Section 4 by striking out in lines 1 and 2 of said section the words 'and approval' and add before the word passage in line 1 of said section the word 'final,' and as amended do pass.

Yours respectfully,

J. F. CONE, Secretary of the Senate."

Moved by Boorman, duly seconded and carried that the following communications be considered read at length:

"Helena, Montana, January 22, 1923.

**Mr. Speaker:**

I am directed by the Senate to inform your Honorable Body that the following standing committees reported as follows:

Committee on Engrossed Bills report Senate Bill No. 12 as correctly engrossed.

Fish and Game Committee: Having had under consideration Senate Bill No. 31, recommend that it do pass.

Committee on Insurance, having had under consideration Senate Bill No. 38, recommend that same be amended as follows:

In Section 1, line 6, of the original bill by adding after the word, 'and' the word 'who,' and recommend that the bill do pass.

Committee on Banks and Banking, having had under consideration Senate Bill No. 9, recommend that same do pass.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"January 22, 1923.

**Mr. Speaker:**

I am directed by the Senate to inform your Honorable Body that the following notices of bills were this day presented:

By Paul: "An Act to govern the state purchasing department and prescribing the duties of the State Purchasing Agent with reference to the purchase of supplies for the various offices, boards, departments and institutions of the State of Montana; prescribing the manner in which said supplies shall be purchased and setting forth the duties of the State Purchasing Agent with reference thereto, and providing for the compiling of records in the office of the purchasing agent and providing punishment for the violations of any of the provisions of this act."

By Adams: "An Act authorizing board of commissioners of irrigation districts to cancel assessments made for the benefit of the United States, and to amend Section 7236 of the Revised Codes of 1921."

By Taylor: "An Act defining the crime of political coercion, providing penalties therefor, and repealing any laws in conflict with such act."

By Greening: "An Act relating to chattel mortgages and the increase thereof."

By Walker: "An Act to authorize and provide for the consolidation and merging of the corporate existence and government of the county of Silver Bow and all cities and towns therein into one municipal corporation and government under the corporate name 'City and County of Butte,' defining the powers thereof and providing a commission-manager plan of government therefor."

Very respectfully,

J. F. CONE, Secretary of the Senate."

"January 22, 1923.

**Mr. Speaker:**

I am directed by the Senate to inform your Honorable Body that the following bills were this day introduced, read first and second times, and referred to committees as designated:

Senate Bill No. 42 by Pomeroy: "An Act to amend Section 1294 of the Revised Codes of Montana of 1921 respecting the requirements of district and high school boards of trustees in the appointment of a superintendent." Referred to Committee on Education.

Senate Bill No. 43, by Siegfriedt: "An Act relating to the rights and disabilities of aliens with respect to lands, providing for forfeitures in certain cases, prescribing penalties, and repealing Section 7088 of the Revised Codes of 1921 and all laws in conflict herewith." Referred to Committee on Judiciary.

Senate Bill No. 44, by Church: "An Act concerning aeronautics and to make uniform the law with reference thereto." Referred to Committee on Judiciary.

Very respectfully,

J. F. CONE, Secretary of the Senate."

## NOTICES.

Authors gave notice that they will on tomorrow or some subsequent date introduce bills as follows:

By McLeod: "A Bill for an Act entitled: 'An Act to amend Section 4465 of the Revised Codes of Montana of 1921, relating to the jurisdiction and powers of boards of county commissioners, by amending sub-division 5 hereof.'"

By Pope: "A Bill for an Act entitled: 'An Act to amend Section 9187 of the Revised Codes of 1921, relating to amendments of pleadings and judicial proceedings.'"

## REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received:

"Mr. Speaker:

We, your Committee on Constitutional Amendments having had under consideration H. B. No. 27, introduced by Brandjord, a Bill for an Act to submit to the qualified electors of the State of Montana an amendment to the Constitution of the State of Montana, adding thereto a new article providing for the acceptance and administration by the state of gifts, donations, grants and legacies for the creation of a state permanent revenue fund, for the creation of a state permanent school fund, for the creation of a permanent revenue fund for the University of Montana, and for the benefit of other useful, benevolent and worthy objects; and authorizing the state to administer the other funds together with those hereinbefore indicated, respectfully report as follows: That H. B. No. 27 do pass.

BAKER, Chairman."

On motion of Baker, report adopted.

"Mr. Speaker:

We, your Committee on Sanitary Affairs having had under consideration H. B. No. 85, introduced by Kelly, being a Bill for an Act entitled: "An Act regulating number of hours which shall constitute a hotel day; to make uniform rates; compelling the proprietors, or managers, or landlords to put and post in a conspicuous place on the inside of each room a written or printed notice of the price charged for said room per day," respectfully report as follows:

That the figures "50" in line 1, page 2, be stricken out and the figures "10" be inserted in lieu thereof; that the figures "500" be stricken out and the figures "100" be inserted in lieu thereof; in line 2, page 2, after the word "than" the figures "10" be inserted; that in line 3, page 2, the figures "90" be stricken out and the figures "30" be inserted in lieu thereof.

Also that Section 3 and Section 4 be added to read as follows:

"Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

"Section 4. This act shall be in full force and effect on and after May 1st, 1923, after its passage and approval."

And respectfully recommend that said Bill No. 85 do pass as amended.

ANDRUS, Chairman."

On motion of Andrus, report adopted.

"Mr. Speaker:

We, your Committee on Public Health and Sanitary Affairs, having had under consideration S. B. No. 7, being a Bill entitled: "An Act regulating the practice of podiatry: providing for the examination and licensing of podiatrists and penalties for the violation of this act," respectfully report as follows: That S. B. No. 7 do pass.

ANDRUS, Chairman "

On motion of Andrus, report adopted.

"Mr. Speaker:

We, your Committee on Affairs of Cities, having had under consideration H. B. No. 77, introduced by Flynn: "A Bill for an Act entitled: 'An Act to amend Section 5036 of the Revised Codes of the State of Montana, 1921, to provide for the deposit and control of all public moneys in the possession of and



under the control of city or town treasurer; providing for the payment of interest on all such moneys and to amend Section 5036 of the Revised Codes of the State of Montana 1921," respectfully report as follows: That H. B. No. 77 be amended as follows:

1st. By striking out the word "be" in Section 1 in line 26.

2nd. By striking out the words "general" after fund and insert "from which said interest was derived" and strike out "of the city or town."

And when so amended, do pass.

LEASE, Chairman."

On motion of Lease, report adopted.

"Mr. Speaker:

We, your Committee on Affairs of Cities, having had under consideration H. B. No. 89, introduced by Oker, a Bill for an Act repealing Section 11,179 of the Revised Codes of the State of Montana, 1921, having to do with the powers and duties of cities and towns in the matter of gambling and gambling houses, respectfully report as follows: That H. B. No. 89 do pass.

LEASE, Chairman."

On motion of Lease, report adopted.

"Mr. Speaker:

We, your Committee on Affairs of Cities, having had under consideration H. B. No. 87, introduced by Bosley, a Bill for an Act entitled: 'An Act amending Section 5266 of the Revised Codes of Montana of 1921, relating to the contract for maintenance of lights in lighting districts and the assessment to pay the cost thereof,' respectfully report as follows: That H. B. No. 87 do pass.

LEASE, Chairman."

On motion of Lease, report adopted.

"Mr. Speaker:

We, your Committee on Affairs of Cities, having had under consideration H. B. No. 58, by Rodgers, a Bill for an Act entitled: "An Act to amend Sections 5039, 5278, 5281 and 5283, and to repeal Sections 5284, 5285, 5286, 5287 and 5288 of the Revised Codes of Montana, 1921, all relating to the borrowing of money, contracting of indebtedness and issuing of bonds by incorporated cities and towns," respectfully report as follows:

That H. B. No. 58 be amended as follows:

By striking out in Section 4, line 5 and 6—"After city or town which" and inserting in lieu thereof the words: "As heretofore issued or."

And when so amended do pass.

LEASE, Chairman."

On motion of Lease, report adopted.

"Mr. Speaker:

We, your Committee on Affairs of Cities, having had under consideration H. B. No. 86, by Bosley, a Bill for an Act entitled: "An Act amending Section 5283 of the Revised Codes of Montana 1921 relating to taxes for interest and sinking funds of bonded indebtedness of cities or towns fixing place of payment of such interest and bonds and providing for the method of investing such sinking funds," respectfully report as follows:

That H. B. No. 86 do not pass as it is covered by H. B. No. 58.

LEASE, Chairman."

On motion of Lease, report adopted.

"Mr. Speaker:

We, your Committee on Education, having had under consideration H. B. No. 48, by Denny, a Bill for an Act entitled: "An Act amending Section 853 of the Revised Codes of Montana of 1921, relating to the control of the University of Montana and the appointment of it's faculty and employees and repealing all acts and parts of acts in conflict herewith," respectfully report as follows: That H. B. No. 48 do not pass.

GULLIDGE, Chairman."

Moved by Gullidge and duly seconded that report be adopted.

Moved by Rodgers, as substitute, and duly seconded that H. B. No 48 be printed and placed on general orders. Failed.

Upon request of Scharnikow, duly seconded, roll was called on the Gullidge motion, which carried by the following vote:

Ayes: Andrus, Arnold, Baker, Bergstrom, Berryman, Bohling, Boorman, Brandjord, Bray, Bricker, Buchanan, Cady, Caplis, Carlson (McCone), Cavanaugh, Clarke, Davis (Wibaux), Dean, Elliott, English, Facey, Flynn, Galtidge, Hanson, Hawley, Holton, Kennedy, Larson (Richland), Larsen (Sheridan), Lease, Leavens, McAfee, McCormack, Myrick, Nelson, Ostby, Peden, Perrine, Pope, Ruffcorn, Sandy, Seidensticker, Smith, Spencer, Stoner, Swift, Tawney, Terrett, Tierney, Wold, Zuck, Mr. Speaker. Total, 52.

Noes: Andrew, Armstrong, Benedict, Bosley, Burke, Buttelman, Carlson (Gallatin), Cronk, Davis (Fergus), Dell, Denny, Duffy, Fulsher, Gillin, Goodman, Hamilton, Harris, Hoffman, Joffray, Kelly (Pondera), Kelly (Silver Bow), Kinville, Lemmon, McCarty, McLeod, Maury, Murphy, Mushbach, O'Connell, Oker, Pilgeram, Ridle, Rodgers, Roscow, Scharnikow, Smethurst, Stoddard, Strange, Taylor, Troy. Total, 40.

Absent and not voting: Bernard, Buell, Cowley, Gillette, Johnson, Kenych, Loble, Rasmussen. Total, 8.

Moved by Cady, duly seconded and carried that House recess until 2:00 p. m.

#### AFTERNOON SESSION.

House resumed at 2:00 p. m.

Mr. Speaker in the chair.

#### REPORTS OF STANDING COMMITTEES

The following reports of standing committees were received:

"Mr. Speaker:

We, the majority of your Committee on Affairs of Cities having had under consideration H. B. No. 71, by Andrus, a Bill for an Act entitled: "An Act to amend Section 5034 of the Revised Codes of the State of Montana, 1921, pertaining to the duties of city treasurer and to provide for the deposit and control of all public moneys in the possession of and under the control of city and town treasurers and providing for the payment of interest on all such moneys," respectfully report as follows:

That H. B. No. 71 do not pass.

CLARKE.  
BENEDICT.  
BOSLEY.  
DEAN.  
TAYLOR.  
WOLD.  
MURPHY.  
LEASE, Chairman."

On motion of Lease, report adopted.

"Mr. Speaker:

We, your Committee on Development and Publicity, having had under consideration House Res. No. 1, by Caplis, respectfully report as follows:

That House Res. No. 1, having fully considered said resolution and as the carrying out of the purposes thereof will mean a state-wide probe and will necessarily entail considerable expense and time, we therefore respectfully refer it back to the House without recommendation.

PERRINE, Chairman."

On motion of Perrine, report adopted.

"Mr. Speaker:

We, your Committee on Education, having had under consideration H. B. No. 94, introduced by Larsen of Sheridan, a Bill for an Act entitled: "An Act to amend Section 1023 of the Revised Codes of 1921 relating to the creation of new school districts," respectfully report as follows:

That H. B. No. 94 do pass.

GULLIDGE, Chairman."

On motion of Gullidge, report adopted.

"Mr. Speaker:

We, your Committee on Education, having had under consideration H. B. No. 80, by Zuck, a Bill for an Act entitled: "An Act legalizing the acts of boards of school trustees in purchasing or building dormitories, furnishing and equipping the same," respectfully report as follows:

That H. B. No. 80 do pass.

GULLIDGE, Chairman."

On motion of Gullidge, report adopted.

"Mr. Speaker:

We, your Committee on Education, having had under consideration H. B. No. 69, by Facey, a Bill for an Act entitled: "An Act amending Section 1015 of the Revised Codes of Montana of 1921, relating to the powers and duties of school trustees," respectfully report as follows:

That H. B. No. 69 do not pass, but in lieu of H. B. No. 69, by Facey, that Substitute for H. B. No. 69, introduced by Committee on Education, a Bill for an Act entitled: "An Act amending Section 1015 of the Revised Codes of Montana of 1921, relating to the powers and duties of school trustees," report that same do pass.

GULLIDGE, Chairman."

On motion of Gullidge, report adopted.

Substitute for H. B. No. 69, introduced by Committee on Education, read first and second times by title only, and referred to Committee on Printing.

"The Committee on Engrossment reported H. Bills Nos. 9 and 11 correctly engrossed."

#### INTRODUCTION OF BILLS AND MEMORIALS.

The following Senate Bill was introduced, read first and second times by title and history only, and referred to the Committee on Insurance.

S. B. No. 12, by Committee on Insurance: "A Bill for an Act entitled: 'An Act requiring all insurance companies doing business in this state, under the assessment plan, to show upon the face of all policies, applications and other literature, the word or words,—'assessable' or 'assessment plan,' prescribing duties of commissioner of insurance in connection therewith, and providing penalties for violation of this act.'" (Committee on Insurance.)

The following House Bills were introduced, read first and second times and referred to committees as follows:

H. B. No. 103, by Bricker: "A Bill for an Act entitled: 'An Act to amend Section 1215 of the Revised Codes of Montana of 1921, relating to the time county assessor to report valuation school districts.'" (Committee on Townships and Counties.)

H. B. No. 104, by Troy and Buchanan: "A Bill for an Act entitled: 'An Act to amend Sections 2065, 2169, 2175, 2176, 2177, 2269 and 2270 of the Revised Codes of Montana of 1921, relating to the time and method of collecting taxes and penalties for non-payment thereof; relating to the time, place and manner of selling property for the non-payment of taxes and to the time of commencing action to recover taxes paid under protest, and repealing Sections 2182, 2183, 2184, 2185, 2186, 2188 and 2190 relating to the publication of delinquent tax lists.'" (Committee on Revenue and Taxation.)

H. B. No. 105, by O'Connell: "A Bill for an Act entitled: 'An Act to amend Section 1622 of the Revised Codes of Montana of 1921 relating to the powers and duties of county commissioners respecting highways, by amending subdivision 10 thereof.'" (Committee on Townships and Counties.)

H. B. No. 106, by Committee on Public Morals, Charities and Reforms: "A Bill for an Act entitled: 'An Act prohibiting intoxication and providing a penalty therefor.'" (Committee on Public Morals, Charities and Reforms.)

H. B. No. 107, by McCarty: "A Bill for an Act entitled: 'An Act to amend Section 4530 Revised Codes of Montana 1921, relating to the care and burial of indigent, sick or injured persons; providing for the services of a physician and the payment of the expenses thereof.'" (Committee on Townships and Counties.)



H. B. No. 108, by McCarty: "A Bill for and Act entitled: 'An Act to empower the board of county commissioners to provide maintenance to indigent persons while in vocational training under certain conditions and providing for the appointment of a person to act as agent for the rehabilitation bureau to serve without pay.'" (Committee on Townships and Counties.)

H. B. No. 109, by Bosley: "A Bill for an Act entitled: 'An Act authorizing cities and towns to include unplatted, undedicated or unsurveyed lots, pieces or parcels of land lying wholly within the boundaries of the city or town within special improvement districts and to assess same for its proportionate share of the cost of making or maintaining special improvements in the same manner as other property within the boundaries of such city or town.'" (Committee on Affairs of Cities.)

### MOTIONS AND RESOLUTIONS.

Gullidge gave notice that on tomorrow he will make a motion to dispense with third reading of bills on third reading, as provided by Rule 34.

Moved by Carlson of Gallatin, duly seconded and carried that a committee of three be appointed by Mr. Speaker to look after the needs of Cowley, who is ill.

Mr. Speaker named as the committee: Kelly of Pondera, Rodgers and Gillin.

The following resolution was presented by Goodman:

"Resolved, That the State Highway Commission be required to furnish to this body, not later than January 26, a detailed statement of how much money they have on hand in all funds of the Highway Commission, and also the amounts of indebtedness owing by the commission.

GOODMAN."

Moved by Goodman, duly seconded and carried that the resolution be adopted.

Moved by Scharnikow, duly seconded and carried, that the House reconsider the vote taken on the report of the Committee on State Boards and Officers that H. B. No. 24 do not pass.

Moved by Scharnikow, duly seconded and carried, that H. B. No. 24 be referred to the Committee on State Boards and Officers.

Upon request of McCormack, and with unanimous consent, the following members were excused for committee work: Stoner, Hanson, Hoffman, Larsen of Sheridan and McCormack.

Upon request of Kenyon, and with unanimous consent, reverted to:

### REPORTS OF STANDING COMMITTEES

The following reports of standing committees were received:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration H. B. No. 100, by Loble and Scharnikow, entitled: "An Act to amend Section 11702 of the Revised Codes of the State of Montana, 1921, relating to the removal of public officers," beg leave to recommend that same be amended by striking out in lines 11 and 12, page 1, after the words, "guilty of," the words "knowingly, wilfully, and," and that as so amended it do pass.

COMMITTEE ON JUDICIARY,

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration H. B. No. 50, introduced by Rodgers, entitled: "An Act to amend Sections 4614 and 4622 of the Revised Codes of Montana, 1921, relating to county bonds," beg leave to recommend that the same be amended as follows:

That Section 1, be amended by striking out in line 6, on page 3, after the words "of every county which," the words, "as heretofore issued or," also in the same section, line 13, page 3, after the word "all" insert the word "such," and in line 17, page 3, after the word "all" insert the word "such," and by adding thereto a section to be known as Section 2, to read as follows:

Section 2. Provided, however, that nothing herein shall be construed to prevent boards of commissioners from issuing amortization bonds if authorized to do so by law.

And, re-numbering Section 2, as Section 3, and that as so amended it do pass.

COMMITTEE ON JUDICIARY,  
KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration Senate Joint Memorial No. 1, introduced by Rhoads, entitled: "Memorial to the Congress of the United States, to enact such legislation as may be necessary to issue patents to farm units on federal reclamation projects in order that such farm units may become taxable," beg leave to report back with the recommendation that it do pass.

COMMITTEE ON JUDICIARY,  
KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration H. B. No. 82, by Bosley, entitled: "An Act to amend Sections 8812 and 8813 of the Revised Codes of Montana, 1921, defining judicial districts, and fixing the number of judges for each district," beg leave to report back with the recommendation that it do not pass.

COMMITTEE ON JUDICIARY,  
KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Public Morals, Charities and Reforms, having had under consideration, resolution by Loble of Lewis and Clark.

For the consideration of the resolution, a public meeting was held at Placer hotel on the evening of January 22, 1923, at which time opportunity was given all who desired to be heard on the matters brought out in the resolution;

And Whereas, There was presented at that time evidence in support of said resolution, which, if verified, would indicate that some of the men employed in the enforcement of the prohibition law are not of the type to whom can safely be entrusted the enforcement of the prohibition laws;

And Whereas, Further evidence has been submitted indicating that there has been a reckless expenditure of funds in connection with the expenses of the special enforcement department:

We therefore recommend that a special committee of three be appointed to investigate the matters hereintofore referred to, and present their findings as to the truth or falsity of the charges embraced in the resolution, as well as the truth or falsity of the charges presented at the public hearing of the committee.

We further recommend that such special committee be authorized to summon witnesses, examine them under oath, reduce their testimony to writing, and report the findings of such committee, together with their recommendations, not later than February 5, 1923.

BOORMAN.  
LOBLE.  
BRICKER.  
BAKER.  
BERGSTROM.  
HAMILTON.  
McCARTY.  
KENYON.  
CAVANAUGH."

Moved by Boorman, and duly seconded, that report be adopted.

Speaker ruled that the report was in effect a recommendation to adopt the Loble resolution with amendments, and a favorable vote on the motion to adopt would pass the Loble resolution with amendments as suggested in report.

Moved by Scharnikow, duly seconded and carried that the report be amended as follows:

"Provided that the expense incurred by the committee named will not exceed the sum of Five Hundred Dollars, such amount, or so much thereof as may be necessary to be used out of the fund appropriated by the 18th Legislative Assembly for incidental expenses."

Moved by Gullidge, and duly seconded that further action on Loble resolution be indefinitely postponed.

Upon request for roll call, duly seconded, vote was cast as follows:

Ayes: Andrus, Arnold, Benedict, Berryman, Bohling, Bosley, Brandjord, Bray, Bricker, Buchanan, Buttlerman, Carlson (McCone), Clarke, Cronk, Davis (Wibaux), Dean, Elliott, Facey, Flynn, Gullidge, Harris, Hawley, Kenyon, Larson (Richland), Lease, Leavens, McAfee, McCormack, McLeod, Myrick, Nelson, Ostby, Peden, Perrine, Rodgers, Ruffcorn, Scharnikow, Smethurst, Smith, Spencer Swift, Taylor, Wold. Total, 43.

Noes: Andrew, Armstrong, Baker, Bergstrom, Boorman, Burke, Cady, Caplis, Carlson (Gallatin), Cavanaugh, Davis (Fergus), Dell, Denny, Duffy, English, Fulsher, Gillin, Goodman, Hamilton, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kinville, Lemmon, Loble, McCarty, Maury, Murphy, Mushbach, O'Connell, Oker, Pilgeram, Pope, Ridle, Roscow, Sandy, Seidensticker, Stoddard, Strange, Tawney, Terrett, Tierney, Troy, Zuck, Mr. Speaker. Total, 48.

Absent and not voting: Bernard, Buell, Cowley, Gillette, Hanson, Hoffman, Larsen (Sheridan), Rasmussen, Stoner. Total, 9.

The question then arising on the Boorman motion that report of Committee on Public Morals, Charities and Reforms, as amended, be adopted, motion carried.

Upon request of Carlson of Gallatin, and with unanimous consent, reverted to:

### NOTICES.

Authors gave notice that they will on tomorrow or some subsequent date introduce the following bills:

By Buttelman and Carlson of Gallatin: "A Bill for an Act entitled: 'An Act to amend Section 6236 of the Revised Codes of Montana of 1921, relating to official bonds required of public officers.'"

By Carlson of Gallatin: "A Bill for an Act entitled: 'An Act to amend Section 187 of the Revised Codes of Montana of 1921, relating to the publication of quarterly report of the State Treasurer.'"

Upon request of Carlson of Gallatin, and with unanimous consent, reverted to:

### INTRODUCTION OF BILLS AND MEMORIALS.

The following bill was read first and second times, by title only, and referred to the Committee on Ways and Means:

H. B. No. 110, by Carlson of Gallatin: "A Bill for an Act entitled: 'An Act making it unlawful for any department of the State government and every State institution or agency requiring an appropriation from the State to make expenditures or incur obligations for an amount in excess of the appropriation for such department, institution or agency: providing exceptions; creating a contingency allotment fund and placing it under the direction and control of the State Board of Examiners: providing for the allotment of said fund, and providing a penalty for violating the provisions of this act.'"

(Committee on Ways and Means.)

Upon request of Caplis, and with unanimous consent, reverted to:

### REPORTS OF STANDING COMMITTEES.

Moved by Pope, duly seconded and carried that action on the matter of the Caplis resolution, with reference to the price of coal, which was reported back this morning by the Committee on Development and Publicity without recommendation, be postponed until such time as a committee report may be had on a Joint Resolution read by Smethurst, which is to be introduced.



## THIRD READING OF HOUSE BILLS.

H. B. No. 9, by Kenyon, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Baker, Benedict, Bergstrom, Berryman, Bohling, Boorman, Bosley, Brandjord, Bricker, Buchanan, Burke, Buttelman, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Harris, Hawley, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Kinville, Larson (Richland), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total, 85.

Noes: None.

Absent and not voting: Arnold, Bernard, Bray, Buell, Cady, Caplis, Cowley, Gillette, Hanson, Hoffman, Kelly (Silver Bow), Larsen (Sheridan), Rasmussen, Stoddard, Stoner. Total, 15.

H. B. No. 11, by Brandjord, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoner, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total, 92.

Noes: None.

Absent and not voting: Buell, Cowley, Denny, Gillette, Hoffman, Rasmussen, Stoddard, Strange. Total, 8.

Upon request of Smethurst, and with unanimous consent, reverted to:

## NOTICES.

Authors gave notice that they will on tomorrow or some subsequent date introduce bills as follows:

By Smethurst: "House Joint Memorial relative to the nationalization of the coal mining industry."

By Maury: "A Bill for an Act entitled: 'An Act to require a submission to the qualified electors of each city in Montana at the next city election, the question whether the city council of such city shall have complete and exclusive control over, and power to regulate the organization and maintenance of its police department and complete control over and regulation of the manner of appointment, service, and dismissal of, any and all members thereof and the grant of such control and power to the city council of all cities wherein a majority of the therein resident, qualified electors do vote in favor thereof, and to repeal all laws in conflict herewith.'"

By Bernard: "A Memorial petitioning congress for Federal aid to build highways in national forests and on Indian reservations and other public land areas."

## CONSIDERATION OF GENERAL ORDERS.

Moved by Gullidge, duly seconded and carried that House resolve itself into a Committee of the Whole:

Smith in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

"Mr. Speaker :

We, your Committee of the Whole having had under consideration Bills on General Order, respectfully report back with the recommendation that :

H. B. No. 14, be amended as follows: By striking out in line 7 and the beginning of line 8 of Section 1 the words: "from date of sale" and by inserting in lieu thereof the words: "or semi-annually, as may be determined upon by the State Board of Land Commissioners."

Also by changing the word "fund" in line 17 of Section 2, to the word "funds."

Also by inserting the words "except timber lands" after the word "land" in line 2, Section 1.

And when so amended, do pass.

H. B. No. 42, be postponed until Cowley is present.

H. B. No. 53, do pass.

SMITH, Chairman."

On motion of Smith, report adopted.

Moved by Gullidge, duly seconded and carried that House resolve itself into a Committee of the Whole.

Smith in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows :

"Mr. Speaker :

We, your Committee of the Whole, having had under consideration Bills on General Orders, respectfully report back with the recommendation that :

H. B. No. 60, be amended as follows: By inserting after the word "while" in line 2 of Section 1, the words "such operator is," and when so amended, do pass.

H. B. No. 64, do pass.

Sub. for H. B. No. 15, be re-referred to Committee on Judiciary.

H. B. No. 18, do pass.

H. B. No. 34, do pass."

On motion of Smith, report adopted.

The Committee on Printing reported H. B. No. 5 correctly printed.

Moved by Gullidge, duly seconded and carried that House adjourn until Wednesday, January 24th, at 10:30 a. m.

CALVIN CRUMBAKER, Speaker.

Attest: JAMES A. SHOEMAKER, Chief Clerk.

## TWENTY-FOURTH DAY

House of Representatives,  
January 24, 1923.

House convened pursuant to adjournment at 10:30 a. m.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Upon roll call all members present except: Buell, absent; Cowley, Gillette and Rasmussen excused.

The Committee on Journal reported as follows :

"Mr. Speaker :

We, your Committee on Journal, have this day examined the Journal for the 23rd legislative day and found the same correct.

BUCHANAN, Chairman."

## COMMUNICATIONS AND PETITIONS.

## COMMUNICATIONS FROM THE SENATE.

"Helena, Montana, January 23, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bill No. 11 was read three several times, and passed as amended, title agreed to, and is herewith transmitted to the House for its concurrence.

Very respectfully,

J. F. CONE, Secretary of the Senate."

Moved by Boorman, duly seconded and carried that the following communications from the Senate be considered read at length.

"Helena, Montana, January 23, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following standing committees report as follows:

Committee on Engrossed Bills, report Senate Bill No. 21 as correctly engrossed.

Printing Committee: Report Senate Bills, 4, 16, 26, 32, as correctly printed.

Committee on Judiciary: Senate Bill No. 44, by Church: "An Act concerning aeronautics and to make uniform the law with reference thereto." And recommend that same do not pass.

Committee on Education: Senate Bill No. 11, that on page 2 of said bill, Section 3, line 4, the words "an adjoining" be stricken out and the word "another" inserted in lieu thereof, and that in line 7 of Section 3, the words "or county high school" be inserted after the word "district" and that the word "county" in line 7 of said Section 3, be stricken out; and that in line 1 of Section 4, the word "undistributed" be inserted before the word "taxes" in said line; and that in line 2 in said Section 4, the words, "and thereafter" be added after the figures "1922" and so amend that the bill do pass.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, January 23, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee on the Whole to whom was referred business on General File, recommend that Senate Bill No. 11, do pass as amended.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"January 23, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following notices of bills were this day presented:

By McQuitty: A Bill for an Act entitled: "An Act to amend Sections 284 and 290 of Chapter 19 of the Revised Codes of Montana of 1921, relating to the State Purchasing Department and repealing all acts and parts of acts in conflict herewith."

By Lowe: A Bill for an Act entitled: "An Act requiring certain sleighs used in this State by any persons, firms, or corporations to be of certain width: and providing a penalty for violating the provisions of this act."

By Healy: A Bill for an Act entitled: "An Act to amend Sections 716, 718 and 719 of the Revised Codes of Montana of 1921, and to repeal Section 717 of the Revised Codes of Montana, 1921, relating to voting by absent electors."

By Garber: A Bill for an Act entitled: "An Act to amend Section 4736 Revised Statutes of Montana, 1921, relating to county officers."

Very respectfully,

J. F. CONE, Secretary of the Senate."



"January 23, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were this day introduced, read first and second times, and referred to committees as designated:

Senate Bill No. 45, introduced by Paul: "An Act to govern the State Purchasing Department and prescribing the duties of the State Purchasing Agent with reference to the purpose of supplies for the various offices, boards, departments and institutions of the State of Montana; prescribing the manner in which said supplies shall be purchased and setting forth the duties of the State Purchasing Agent with reference thereto, and providing for the compiling of records in the office of the State Purchasing Agent and providing punishment for the violations of any of the provisions of this act." Referred to Committee on Judiciary.

Senate Bill No. 46, by Taylor: "An Act defining the crime of political coercion, providing penalties therefor, and repealing any laws in conflict with such act." Referred to Committee on Judiciary.

House Bill No. 6, by Kenyon: A Bill for an Act entitled: "An Act to amend Section 4916 of the Revised Codes of Montana of 1921, relating to fees of sheriffs." Referred to Committee on Counties and Towns.

House Bill No. 44, by Perrine: "An Act prohibiting county officers loaning tools, machinery, implements, or other property, or equipment, belonging to the county." Referred to Committee on Counties and Towns.

House Bill No. 49, by Rodgers: "An Act to amend Section 4717 of the Revised Codes of Montana, 1921, relating to the borrowing of money, by boards of county commissioners." Referred to Committee on Counties and Towns.

Very respectfully,

J. F. CONE, Secretary of the Senate."

#### OTHER COMMUNICATIONS.

A communication announcing New Year's Jubilee at the Shrine Temple tomorrow night was read.

A petition from sundry citizens of the State of Montana, relative to the State Game Commission was read.

A petition from sundry citizens of the State of Montana, relative to the State Highway Commission was read.

A communication from the Montana Parent-Teachers' Association, relative to endorsement of proposed legislation was read.

The following communication was received from the State Bank Examiner:  
"Helena, Montana, January 23, 1923.

To the Honorable Calvin Crumbaker,

Speaker of the House of Representatives, Eighteenth Assembly.

Dear Sir: In compliance with your resolution transmitted to me on the 22nd instant, I beg to hand you herewith the information therein requested.

Respectfully submitted,

L. Q. SKELTON, Superintendent of Banks.

'On January 1, 1923, there were 259 incorporated State Banks and seven private banks.

Twenty-three State banks closed during 1922, two of which reopened for business.

#### STATE BANKS CLOSED DURING YEAR 1922.

Name.	Date Closed.	Date last Exam. Prior to Closing
Drummond State Bank, Drummond.....	1-13-22	8-10-21
Same (reopened) .....	6-12-22	
Treasure State Bank, Hysham.....	1-13-22	7-21-21
(Now in hands department)		
Milk River Valley Bank, Glasgow.....	1-18-22	1-5-22
Same (reopened) .....	8-1-22	

Yellowstone Val. Bk. & Tr. Co., Sidney.....	3-22-22	3-6-22
(Receiver Bank)		
State Bank, Stockett .....	4-3-22	11-1-21
(Receiver Bank)		
Bank of Twin Bridges .....	5-2-22	2-1-22
(Receiver Bank)		
Madison State, Virginia City .....	5-2-22	2-1-22
(Receiver Bank)		
Mutual State Bank, Broadview .....	9-22-22	5-20-22
(Receiver Bank)		
Miners State Bank, Sand Coulee .....	10-6-22	7-27-22
(In hands Department)		
State Bank, Belt .....	10-12-22	9-31-22
(In hands Department)		
Mont. State Bank, Valier .....	11-15-22	3-28-22
(In hands Department)		
Custer Co. Bank, Miles City .....	11-17-22	9-7-22
(In hands Department)		
Secy. State Bank, Box Elder.....	11-23-22	6-27-22
(In hands Department)		
First State Bank, Kremlin .....	11-23-22	6-28-22
(In hands Department)		
Laurel State Bank, Laurel .....	11-23-22	2-15-22
(In hands Department)		
Gildford State, Gildford .....	11-24-22	6-29-22
(In hands Department)		
Farmers' State Bank, Hingham .....	11-25-22	7-5-22
(In hands Department)		
Huntley State Bank, Huntley .....	11-27-22	9-1-22
(In hands Department)		
Vanada State Bank, Vanada .....	11-27-22	4-20-22
(In hands Department)		
Bowdoin State Bank, Bowdoin .....	11-28-22	9-7-22
(In hands Department)		
Benton State Bank, Fort Benton .....	12-26-22	10-16-22
(In hands Department)		
Ballantine State Bank, Ballantine .....	12-4-22	2-5-22
(In hands Department)		
Musselshell State Bank, Musselshell.....	12-16-22	8-5-22
(In hands Department)'''		

## NOTICES.

Authors gave notice that they will on tomorrow or some subsequent date introduce bills as follows:

By Scharnikow: "A Bill for an Act entitled: 'An Act to provide that city and town councils shall have power to license and regulate all industries, pursuits, professions and occupations for certain purposes, and to impose penalties for failure to comply with such license and regulatory requirements.'"

By Committee on Agriculture: "A Bill for an Act entitled: 'An Act to create a State Board of Hail Insurance, defining the duties and powers of said board and public officers in connection therewith; providing for the levy and collection of taxes on all lands subject to injury or destruction by hail of all taxpayers who may elect to become subject to the provisions of this act; providing for crop liens in certain instances where the applicant is not the owner of the land; providing for hail insurance fund; providing for the appointment of appraisers, the appraisal and adjustment of losses and the settlement therefor; providing for the foreclosure of liens; providing for the exemption of benefits from execution and attachment; and amending Sections 350, 351, 352, 354, 355, 358, 360, 361, and 363, Revised Codes of 1921, and repealing all acts and parts of acts in conflict herewith.'"

## REPORTS OF STANDING COMMITTEES.

The following report of the Committee on Federal Relations was received:

"Mr. Speaker:

We, your Committee of Federal Relations having had under consideration Senate Concurrent Resolution No. 1, introduced by Harmon, respectfully report as follows:

That Senate Concurrent Resolution No. 1 do pass.

HAWLEY, Chairman."

On motion of Hawley, report adopted.

## INTRODUCTION OF BILLS AND MEMORIALS.

The following Senate bill was introduced, read first and second times by title and history only, and referred to Committee on Education:

S. B. No. 11, by Healy: "A Bill for an Act entitled: 'An Act to amend Sections 1280 and 1282, Revised Codes of 1921, providing for the distribution of the county high school tax; providing what pupils shall be included in determining attendance.'"

The following bills were introduced, read first and second times by title only, and referred to committees as follows:

H. B. No. 111, by Roscow: "A Bill for an Act entitled: 'An Act to authorize and provide for the consolidation and merging of the corporate existence and government of the County of Silver Bow and all cities and towns therein into one municipal corporation and government under the corporate name 'City and County of Butte,' defining the powers thereof and providing a commission-manager plan of government therefor.'"

Moved by Roscow, duly seconded and carried, that H. B. No. 111 be referred to a joint committee composed of the Committee on Affairs of Cities and the Committee on Townships and Counties.

H. B. No. 112, by McLeod: "A Bill for an Act entitled: 'An Act to amend Section 4465 of the Revised Codes of Montana of 1921, relating to the jurisdiction and powers of boards of county commissioners, by amending sub-division 5 hereof.'"

(Committee on Townships and Counties.)

H. B. No. 113, by Tierney: "A Bill for an Act entitled: 'An Act to regulate the use of artesian wells to prevent the waste of water flowing therefrom, and defining "waste" as used for the purpose of this act and to provide penalties for the violations of this act.'"

(Committee on Judiciary.)

H. B. No. 114, by Pope: "A Bill for an Act entitled: 'An Act to amend Section 9187 of the Revised Codes of Montana of 1921 relating to amendments of pleadings and judicial proceedings.'"

(Committee on Judiciary.)

H. B. No. 115, by Terrett: "A Bill for an Act entitled: 'An Act to amend Section 11528 of the Revised Codes of Montana of 1921, relating to gates and fences and prescribing punishment for violation of the same.'"

(Committee on Livestock and Public Ranges.)

H. B. No. 116, by Holton: "A Bill for an Act entitled: 'An Act to amend Sections 2169, 2175, 2177, 2182, 2188 and 2191 of the Revised Codes of Montana of 1921, relative to the collection of the taxes and the sale of property for delinquent taxes; providing for the payment of taxes in two equal installments: fixing the rate of interest to be collected on unpaid taxes; and repealing Section 2170 Revised Codes of Montana of 1921.'"

(Committee on Revenue and Taxation.)

H. J. M. No. 4, by Bernard: "A Memorial petitioning congress for Federal aid to build highways in national forests and on Indian reservations and other public land areas."

(Committee on Federal Relations.)

H. J. M. No. 5, by Smethurst, was read at length:

"Whereas, There is a general complaint from all classes of people, owing to the increasingly high price of coal; and

Whereas, Past investigations have disclosed many discriminations, irregularities and abuses in the mining and distribution of coal, confirming in the public mind that the present iniquitous system of production and distribution of same is inadequate, unsafe and insecure; and



Whereas, Public necessity demands that fuel, a basic commodity, upon which life and comfort depend, should be supplied at a minimum of cost, and without danger of interruption of supply, all of which under the present system is impossible.

Now Therefore, Be It Resolved, by the Eighteenth Legislative Assembly of the State of Montana, the Senate and the House concurring, that we do hereby petition the Honorable, the Congress of the United States to take immediate steps to bring about the nationalization of the coal mining industry.

Be It Further Resolved, That a copy of this memorial be forwarded by the Secretary of State of Montana to the Senate and to the House of Representatives of the United States, and to the Senators and Representatives in Congress of the State of Montana with the request that they do all in their power to have same enacted into law." (Committee on Federal Relations.)

Upon request of Kelly of Pondera, and with unanimous consent, reverted to:

### REPORTS OF SELECT COMMITTEES

The Special Committee appointed to look after Cowley reported as follows:

"Mr. Speaker:

We, your committee appointed to communicate regrets of the House to Hon. Stephen J. Cowley, wish to report that we have sent a telegram of regret, also flowers.

KELLY of Pondera.  
GILLIN.  
RODGERS."

### CONSIDERATION OF GENERAL ORDERS.

Moved by Lemmon, duly seconded and carried that House resolve itself into a Committee of the Whole.

Pope in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole, having had under consideration bills on general order, respectfully report back with the recommendation that:

H. B. No. 46, do pass.

H. B. No. 55, do pass.

H. B. No. 57, do pass.

H. B. No. 63, do pass.

POPE, Chairman."

On motion of Pope, report adopted.

Moved by Gullidge, duly seconded and carried that House recess until 2:00 p. m.

### AFTERNOON SESSION.

House resumed at 2:00 p. m.

Mr. Speaker in the chair.

"The Committee on Engrossment reported House Bills Nos. 14, 18, 34, 53, 60 and 64 correctly engrossed."

Mr. Speaker named the following as members of the committee to investigate the prohibition forces of the state: Boorman, chairman; Kenyon and Loble.

Upon request of McCarty, and with unanimous consent, reverted to:

### NOTICES.

Author gave notice that she would on tomorrow or some subsequent date introduce the following bill:

By McCarty: "A Bill for an Act entitled: 'An Act to amend Section 853, Chapter 67, Revised Codes of 1921, relating to the powers of the State Board

of Education as to control and supervision of the University of Montana, and the appointment of a chancellor, faculty and employees.'"

Upon request of McCormack, and with unanimous consent, reverted to:

### INTRODUCTION OF BILLS AND MEMORIALS

The following bills were introduced, read first and second times by title only, and referred to committees as follows:

H. B. No. 117, by Maury: "A Bill for an Act entitled: 'An Act to require a submission to the qualified electors of each city in Montana at the next city election the question whether the city council of such city shall have complete and exclusive control over and power to regulate the organization and maintenance of its police department and complete control over and regulation of the manner of appointment service and dismissal of any and all members thereof and the grant of such control and power to the city councils of all cities wherein a majority of the therein resident qualified electors do vote in favor thereof.'" (Committee on Affairs of Cities.)

H. B. No. 118, by Carlson of Gallatin: "A Bill for an Act entitled: 'An Act to amend Section 187 of the Revised Codes of Montana of 1921 relating to the publication of quarterly report of the State Treasurer.'" (Committee on Judiciary.)

Upon request of McCormack, and with unanimous consent, Hanson, Hoffman, Larsen of Sheridan, and McCormack were excused for committee work.

### CONSIDERATION OF GENERAL ORDERS.

Moved by Gullidge, duly seconded and carried that the House resolve itself into a Committee of the Whole.

Bricker in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole, having had under consideration bills on General Order, respectfully report back with the recommendation that:

H. B. No. 72, do pass.

Substitute for H. B. No. 73, be amended as follows: Section 1, line 6, by inserting the words "Irrigation District" after the words "School District." Also Section 1, line 12, by inserting the words "Irrigation District" after the words "School District," and when so amended, do pass.

H. B. No. 78, be amended as follows: Section 1, line 15, by striking out the words "two hundred" and inserting in lieu thereof the word "twenty." Also Section 1, line 11, by adding the words "and such immediate relatives as may care to be present." Also Section 1, by adding to Section 1, after line 20 the clause, "No cameras shall be permitted; no photographs shall be taken," and when so amended do pass.

S. B. No. 7, be amended as follows: Section 5, line 8, by striking out the word "examination" and inserting in lieu thereof the words "payment of a fee of fifty dollars (\$50.00)."

Also Section 5, in line 1, by striking out the word "licenses" and inserting in lieu thereof the word "licensees."

Also Section 10 by substituting in place of the figures "3137" the figures "3154."

Also Section 7, by striking out in line 4, the words "Podiatry fund" and inserting in lieu thereof the words "Medical Board fund."

Also Section 7, line 5, by striking out the words "by this Act" and inserting in lieu thereof the words "in Sec. 3124, Revised Codes of 1921."

Also Section 8, by striking out in line 9, the word "Podiatrists fund" and inserting in lieu thereof the words "Medical Board fund," and when so amended be concurred in.

H. B. No. 50, do pass.

S. J. M. No. 1, be not considered until Friday.

S. C. R. No. 1, be concurred in.

On motion of Bricker, report adopted.

BRICKER, Chairman."

Upon request of Boorman, and with unanimous consent, reverted to:

### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received:

"To the House of Representatives:

We, your Committee on House Employees beg leave to report that we have employed the following stenographers, effective so long as their services are satisfactory and necessary:

Nellie Macdonald, Lola Dorman, Laura Ross, Mamie Wright.

We also report that the services of one employee has been dispensed with, without prejudice on the part of the committee.

BOORMAN, Chairman."

On motion of Boorman, report adopted.

"Mr. Speaker:

We, your Committee on Labor having had under consideration H. B. No. 98, being a Bill for an Act entitled: "An Act relating to the weighing of coal loaded by miners or loaders in coal mines, providing penalties for the violaton of this act, and repealing all acts or parts of acts in conflict herewith," recommend that said bill do pass.

STONER, Chairman."

On motion of Stoner, report adopted.

"Mr. Speaker:

We, your Committee on Privileges and Elections, having had under consideration H. B. No. 16, introduced by Oker, a Bill for an Act entitled: "An Act to amend Section No. 1253 of the Revised Codes of 1921, regulating the qualifications of voters in elections for the issuance of bonds of this state, or any county, school district, city or town," respectfully report as follows:

That H. B. No. 16 be amended by striking out in Section 1, line 14 the words "this State or," and inserting in Section 1, line 16 after the word "the" and before the word "assessment" the word "last" and by striking out in Section 1, line 17 the words "for the year next."

And the bill so amended be recommended for passage.

RUFFCORN, Chairman."

On motion of Ruffcorn, report adopted.

"Mr. Speaker:

We, your Committee on Privileges and Elections having had under consideration H. B. No. 35, introduced by McCarty, a Bill for an Act entitled: "An Act to amend Section 717 and 718 of Part 3, of the Political Code of Montana of 1921, relating to application of absent voter's ballot," respectfully report as follows:

That H. B. No. 35 be amended by striking out all of lines 31 and 32 on page 1, Section 1, and all of lines 1, 2, 3, 4, and 5 of page 2 and inserting in lieu thereof the following:

"State of Montana  
County of..... } ss.

On this.....day of....., personally appeared before me....., who being first duly sworn, deposes and says that he is the person who signed the foregoing application, that he has read and knows contents of same and knows the matters and things therein stated are true."

And also be amended by striking out in Section 2, page 2, beginning line 19 the words "and compare the signature on the application for absent voter's ballot and the registration card and if convinced the person making the application for absent voter's ballot and the person who signed the original registration card are one and the same person" and inserting in lieu thereof 'and if the signature in the application for absent voter's ballot and the signature on the original registration card are the signature of the same person.'

And the bill so amended be recommended for passage.

RUFFCORN, Chairman."

On motion of Ruffcorn, report adopted.



"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration H. B. No. 15, by the Committee on Agriculture, entitled: "An Act to provide for a lien upon growing crops, under certain conditions, for labor performed in and upon the planting, cultivating, care and harvesting of such crops," beg leave to recommend that it do not pass for the reason that in the judgment of this committee it is un-workable and for the further reason that the subject matter is covered by Senate Bill No. 26.

COMMITTEE ON JUDICIARY,  
KENYON, Chairman."

On motion of Kenyon, report adopted.

Upon request of Flynn, and with unanimous consent reverted to:

NOTICES.

Author gave notice that he would on tomorrow or some subsequent date introduce a bill as follows:

By Flynn: "A Bill for an Act entitled: 'An Act to amend Section 8867 of the Revised Codes of Montana of 1921, in relation to the powers of district judges at chambers.'"

Upon request of Loble, and with unanimous consent, reverted to:

INTRODUCTION OF BILLS AND MEMORIALS

The following bills were introduced, read first and second times by title only, and referred to committees as follows:

H. B. No. 119, by Loble: "A Bill for an Act entitled: 'An Act to be hereafter named and cited as the old age pension act, designating the boards of county commissioners of the respective counties of the State of Montana as the Old Age Pension Commission for their several counties, prescribing their duties as such and giving to said Old Age Pension Commission power to make such rules and regulations as shall be necessary to carry out the provisions of this act, providing certain persons over the age of sixty years may be granted old age pensions, describing their qualifications therefor as to residence, character and property: providing for the re-payment to the several counties of all money paid in old age pensions, under certain conditions; providing the requirements to be made by an applicant before the old age pension may be collected; providing for old age pension certificates and renewal thereof; providing for payment of old age pensions; providing that old age pensions shall not be subject to assignment, sale, attachment or execution; providing for cancellation of old age pension certificates under certain conditions; providing penalties for obtaining or aiding and abetting in obtaining old age pensions through false representation or fraud; providing for the disqualification of applicants under certain conditions; providing that old age pensions are to be paid from the poor fund of the various counties; and providing for the reports of old age pension commissions to the State Auditor; and repealing all acts in conflict herewith.'" (Committee on Workmen's Compensation.)

H. B. No. 120, by Bernard: "A Bill for an Act entitled: 'An Act providing for a state forest department, defining the forests and the functions of the department in the protection, development and perpetuation of Montana state forests under the direction of the State Board of Land Commissioners; providing for the appointment of a state forester, defining his duties and fixing his salary: providing for the management of the state forests to secure permanent revenues therefrom: providing for a limitation of the annual cut of timber, limitation of period of contract, limitation of amount of timber sold to any one person, firm or corporation; providing for the keeping of records of the state forests; providing for leases or permits to use of state forests: providing for co-operation in forest protection: providing authority for the State Treasurer to accept monies or funds from other forest owners to make co-operation effective; authorizing the State Forester to prepare the general rules and practices of the state forest department; providing for division of the state into forest districts; providing for the employment of state forest officers: providing for

construction projects on state forests; providing for reforestation of denuded state forest areas; providing for estimate and appraisal of timber on state forests and for a board of state forest appraisers; providing for the sale of timber and the administration of the sales on state forests; providing for disposal of slash on timber sale areas of the state forests for scale and measurement of timber, for payments, for size of bond to be given in sale of timber, providing, for free use and domestic use of timber, for sales under 100,000 feet without advertising; and providing for the repeal of Sections 1830, 1831, 1832, 1836, 1841, 1842, 1872, 1873, 1874, 1876, 1877 of the Revised Codes of Montana of 1921; and for amending and re-enacting Section 1855 of the Revised Codes of Montana of 1921." (Committee on Conservation of Resources.)

H. B. No. 121, by Buttelman and Carlson of Gallatin: "A Bill for an Act entitled: 'An Act to amend Section 6236 of the Revised Codes of Montana of 1921, relating to official bonds required of public officers.'" (Committee on Judiciary.)

Moved by Gullidge, duly seconded and carried that the House adjourn out of respect to the memory of Harry L. Wilson until Thursday, January 25, at 10:30 a. m.

CALVIN CRUMBAKER, Speaker.

Attest: JAMES A. SHOEMAKER, Chief Clerk.

## TWENTY-FIFTH DAY

House of Representatives,  
January 25, 1923.

House convened pursuant to adjournment at 10:30 a. m.

Mr. Speaker in the chair.

Prayer by the Chaplain.

On roll call all members present except: Cowley and Gillette, excused.

The Committee on Journal reported as follows:

"Mr. Speaker:

We, your Committee on Journal, have this day examined the Journal for the 24th legislative day and found the same correct.

BUCHANAN, Chairman."

"The Committee on Engrossment reported House Bills Nos. 50, 72, 73, and 78 correctly engrossed."

## COMMUNICATIONS AND PETITIONS.

Facey presented a communication from the Woman's Club of Dodson, relative to proposed legislation, which was read.

Cady presented a communication from sundry rod and gun clubs, relative to proposed fish and game legislation, which was read.

## NOTICES.

Authors gave notice that they will on tomorrow or some subsequent date introduce bills as follows:

By Rasmussen: "A Bill for an Act entitled: 'An Act prohibiting the recording of a deed, or other instrument, conveying title to real estate against which there are delinquent taxes unpaid.'"

By Bosley: "A Bill for an Act entitled: 'An Act authorizing cities and towns to appeal from the police or justice courts to the district court and from the district court to the supreme court in any criminal action or prosecution in which an ordinance of the city or town is held or adjudged invalid or unconstitutional.'"

By Smith: "A Bill for an Act entitled: 'An Act amending Section 9111 of the Revised Codes of 1921, concerning service of summons.'"

By Troy: "A Bill for an Act entitled: 'An Act amending Section 210 of the Revised Codes of Montana of 1921, relating to the duties of the State Examiner, by adding thereto two paragraphs to be known as paragraphs 8 and 9.'"

By Tawney: "A Bill for an Act entitled: 'An Act imposing a license tax upon every person, corporation, or association, owning or operating a railroad wholly or in part within the State of Montana.'"

By Tawney: "A Bill for an Act entitled: 'An Act imposing a license tax upon every person, corporation, or association, owning or operating a telephone or telegraph line or system wholly or in part within the State of Montana.'"

By Fulsher: "A Bill for an Act entitled: 'An Act to establish a game preserve in a portion of Mineral county, for the protection of game animals and birds, to be known as Little St. Joe Game Preserve, and providing penalties for the killing, hunting, trapping and pursuing any game animals or birds in such preserve, or the carrying of fire arms therein.'"

By Fulsher: "A Bill for an Act entitled: 'An Act to amend Section 4917 of the Revised Codes of Montana of 1921 relating to the fees of County Clerk.'"

By Duffy: "A Bill for an Act entitled: 'An Act prescribing a minimum wage for females employed in the State of Montana, and making it a misdemeanor to pay, or contract to pay, a less wage than that provided for in this act.'"

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received:

"Mr. Speaker:

We, a majority of your Committee on Irrigation and Water Rights having had under consideration House Joint Resolution No. 1, introduced by Ridle, "A Resolution requesting an investigation of affairs of the Toole county irrigation project," respectfully report as follows:

That House Joint Resolution No. 1 be recommended for passage.

#### COMMITTEE ON IRRIGATION AND WATER RIGHTS.

Majority report on House Resolution No. 1.

Perrine, vice-chairman, yes; Flynn, yes; Larson of Richland, yes; Ridle, yes; Kelly of Pondera, yes; Armstrong, yes; Buttelman, yes.

PERRINE, Vice-Chairman."

"Mr. Speaker:

We, a minority of your Committee on Irrigation, having had under consideration House Joint Resolution No. 1, for the appointment of a joint committee of the House and Senate to investigate and report upon the affairs and arrangements of the Toole County Irrigation District, do hereby respectfully report:

Whereas, On the 23rd day of January, 1923, your committee had before it at a meeting called for the purpose of consideration of said Resolution proponents and friends of said Resolution favoring the adoption thereof who were given full opportunity of presenting their views, and at the same hearing were present a large number of land owners within and officers and employees of said irrigation district opposing said resolution; and

Whereas, On account of the lateness of the hour there was not sufficient time, to-wit, not over thirty minutes for the opponents of said resolution to be heard; and

Whereas, At said meeting only 12 of the members of the committee were present and when the vote on the resolution was taken apparently a tie vote of 6 to 6, and at a second and subsequent vote one member of said committee was erroneously reported as voting in favor of reporting favorably on said resolution, when in fact he had voted against such report, thus erroneously making it appear that a majority of this committee had voted in favor of a favorable report thus causing confusion and uncertainty as to the true vote of the committee on such resolution; and

Whereas, By reason of the short time allotted to said opponents they were unable to be heard as fully as the nature of this resolution entitled them to be heard, thus preventing your committee from getting such complete information as we believe is necessary to intelligently and fairly pass upon the merits and necessity of said resolution; and



Whereas, There has been brought to the attention of your committee since said hearing the following alleged facts which your committee did not obtain at or prior to such hearing, namely:

1st. That the State Examiner, through his deputies has two or three times made a full and complete investigation of and report upon the books, records and affairs of said Toole County Irrigation District showing that the books and records thereof had been kept in first class condition and were full and complete and that the affairs of the district appeared to be running and conducted in a business like manner.

2. That within the last year there have been duly selected, impaneled, and sworn a legal grand jury in said County of Toole at the county seat thereof at Shelby, at which is kept the offices of said irrigation district, and at the request of John Cavit, he appeared before said grand jury as a witness complaining and asking that the affairs and officers and employees of said district be investigated, said John Cavit being the only person, besides representatives from said Toole County, who introduced said resolution and who appeared before this committee; that before said grand jury also appeared, at the request of said jury, a Deputy State Examiner of this State who had just made a special examination of the books and records of said irrigation district, and that after having such evidence as was brought before it, and as it could obtain, said grand jury decided and reported that there was nothing in connection with the affairs of said district requiring an investigation or further examination, and failed and refused to find or report any indictment against any of the officers or employees of said district; and

Whereas, It is the belief of your committee that if a little more time had been given to the opponents of said resolution at said hearing the following facts would have been developed, among others, namely,

1st. That among 926 land owners within said district less than 9 per cent thereof had in any manner shown their dissatisfaction with the organization or management of said district, or the administration of its affairs.

2nd. That all of the commissioners of said district had been twice regularly elected since the organization of said district, and their appointment as such.

3rd. That said commissioners have at all times given the utmost publicity to all their acts, records, proceedings, and contracts with engineers, attorneys, and employees, all of which have at all times been open to inspection and examination by every land owner in the district.

4th. That all the work and expenditures of the engineers have been done and made that can be done without a construction bond issue upon the petition of a majority in number acreage of the land owners of the district.

5th. That the fees and percentages of the engineers and attorneys are reasonable and below the average for such services.

6th. That the percentage of delinquencies in payment of taxes have been practically no greater on lands within the district than those outside of it and within said Toole County, or adjacent counties, and that such delinquencies have been due to drouth, climatic and insect pest conditions, and would not have occurred beyond a very limited degree except for such conditions.

7th. That the water supply is adequate and ample as shown by United States geological survey of the streams and sources of supply to assure at least one and one-half acre feet per acre per annum for over 200,000 acres in the district.

8th. The engineering and financial features of the district and project have been examined and approved by some of the best engineers and financial agents and experts of the northwest, and that the maximum cost per acre will not exceed \$50.00.

9th. That the total expenditures to this date including expenses of organization is \$344,004.36, while the district as organized and over which this cost is spread includes 282,000 acres, and of irrigable land over 200,000 acres or \$1.22 per acre for 282,000 acres or \$1.72 per acre for 200,000 acres.

10. That the present total outstanding indebtedness of the district is \$245,892.55, while the cash on hand is \$24,541.62. Taxes levied and delinquent now are \$132,482.23—leaving a net debt of \$97,758.70.

Whereas, It appears to your committee that all of these facts can be and will be fully developed if this Resolution be re-referred to it for further hearing and consideration.

Now Therefore, We, the undersigned members of said committee, respectfully report and recommend that said Resolution be re-referred to said Committee on Irrigation for further consideration and report.

BERNARD.  
RODGERS  
DELL."

Moved by Bernard, duly seconded that the minority report be adopted.

Moved by Perrine, as a substitute, and duly seconded that the majority report be adopted. Then upon request of Perrine for a roll call, duly seconded, the substitute motion carried by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray Bricker, Buchanan, Buell, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Holton, Hoffman, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Myrick, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Mr. Speaker. Total, 89.

Noes: Bernard, Dell, Kennedy, Mushbach, Nelson, O'Connell, Rodgers, Spencer, Zuck. Total, 9.

Absent and not voting: Cowley, Gillette. Total, 2.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration H. B. No. 65, by Cavanaugh, entitled: "An Act requiring persons operating motor cars or vehicles to stop after an accident and requiring such persons before leaving the place of accident to give their true names, residences and license number, and to report the same to certain officials, and prescribing a penalty for the violation thereof," beg leave to recommend that same be amended as follows:

Strike out Section 1, and in lieu thereof insert the following:

Section 1. In case of accident or injury to a person or property on the public highways, due to the operation thereon of any vehicle, the person operating, driving or otherwise in control of the same, shall stop, and upon request of the person injured or whose property has suffered injury, or any other person present, must give his true name and correct place of residence, and the registration number of his vehicle, if it be a motor vehicle, and if such person operating, driving or otherwise in control of such vehicle is not the owner thereof, the correct name and address of the owner of such vehicle. In the event the person injured or whose property has suffered injury, is unable to make such request, the driver of such vehicle must make such report as required by this act to the nearest sheriff's office, within a period of twenty-four (24) hours after such accident has occurred or injury sustained.

Any person failing to give the information as required by this act, shall be guilty of a misdemeanor.

And that as so amended it do pass.

COMMITTEE ON JUDICIARY,  
KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Rules, Joint Rules and Order of Business, respectfully recommends that the request of the chairman on printing be granted, namely that the number of printed bills be increased from 500 to 800; also your committee recommends that a new standing committee to be known as Public Safety and General Welfare be created.

BUELL, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker :

We, your Committee on Livestock and Public Ranges having had under consideration H. B. No. 115, introduced by Terrett, being a Bill for an Act entitled: "An Act to amend Section 11528 of the Revised Codes of Montana of 1921, relating to gates and fences and prescribing punishment for the violation of the same," recommend that the said bill be amended as follows:

Amend Section 1, Subdivision 11528, by inserting in line 13, after the word "gate" the words: "when found closed;"

Also amend the same section by striking out in line 14 after the words: "or not," the following: "or who wilfully cuts or tears down any fence, whether the same is a lawful fence or not," and further recommend that when said bill is so amended, the same do pass.

On motion of Leavens, report adopted.

LEAVENS, Chairman."

"Mr. Speaker :

We, your Committee on Federal Relations having had under consideration H. J. M. No. 5, by Smethurst, respectfully report as follows:

That H. J. M. No. 5 do pass.

On motion of Hawley, report adopted.

HAWLEY, Chairman."

"Mr. Speaker :

We, your Committee on Federal Relations having had under consideration H. J. M. No. 4, by Bernard, "A Memorial petitioning Congress for Federal aid to build highways in national forests and on Indian reservations and other public land areas," respectfully report as follows:

That H. J. M. No. 4 do pass.

On motion of Hawley, report adopted.

HAWLEY, Chairman."

"Mr. Speaker :

We, your Committee on Affairs of Cities, having had under consideration H. B. No. 109, introduced by Bosley, "A Bill for an Act entitled: 'An Act authorizing cities and towns to include unplatted, undedicated or unsurveyed lots, pieces or parcels of land lying wholly within the boundaries of the city or town within special improvement districts and to assess same for its proportionate share of the cost of making or maintaining special improvements in the same manner as other property within the boundaries of such city or town.' " respectfully report as follows:

That H. B. No. 109 do not pass as it is duplicate of H. B. No. 83.

LEASE, Chairman."

On motion of Lease, report adopted.

"Mr. Speaker :

We, your Committee on Affairs of Cities, having had under consideration H. B. No. 92, introduced by Pope, Elliott, Brandjord and Nelson: "A Bill for an Act entitled: 'An Act empowering cities and towns to prohibit by ordinance the introduction, manufacture, transporting, possession and the sale, exchange, giving away, bartering or disposing of ardent spirits, or any compound thereof capable of being used as a beverage, or any brandy, whisky, rum, gin, beer, ale, porter, wine or any intoxicating liquor of any kind within such city or town; and empowering such city or town to provide penalties for the violation of the provisions of such ordinance and to provide penalties for the maintaining of common nuisances as defined in Section 11066 of the Revised Codes of 1921; and providing for the prosecution, trial, and punishment of violators of such ordinances in police courts,'" respectfully report as follows:

That H. B. No. 92 be amended as follows:

Re-number Sec. 6 as Sec. 7 and insert Sec. 6: Nothing herein contained shall be construed to prohibit or limit the prosecution or trial in the district court of persons who shall be guilty of acts forbidden by such ordinances, it being the intent of this act that the jurisdiction hereby conferred shall be concurrent and not exclusive or in derogation of the jurisdiction conferred by law upon the district court.

And when so amended, do pass.

LEASE, Chairman."

On motion of Lease, report adopted.



"Mr. Speaker :

We, your Committee on Affairs of Cities, having had under consideration H. B. No. 83, introduced by Bosley, a Bill for an Act entitled: "An Act authorizing cities and town to include unplatted, undedicated or unsurveyed lots, pieces or parcels of land lying wholly within the boundaries of the city or town within special improvement districts and to assess same for its proportionate share of the cost of making or maintaining special improvements in the same manner as other property within the boundaries of such city or town," respectfully report as follows:

That H. B. No. 83 do pass.

LEASE, Chairman."

On motion of Lease, report adopted.

"Mr. Speaker :

We, your Committee on Affairs of Cities, having had under consideration H. B. No. 91, introduced by Scharnikow, a Bill for an Act entitled: "An Act authorizing city treasurers to invest moneys in sinking funds, in bonds and warrants of the United States, the State of Montana and the various counties, cities and school districts of the State and prescribing the method of making such investments," respectfully report as follows:

That H. B. No. 91 do pass.

LEASE, Chairman."

On motion of Lease, report adopted.

"Mr. Speaker :

We, your Committee on Affairs of Cities, having had under consideration H. B. No. 75, introduced by Sandy, a Bill for an Act entitled: "An Act to amend Subdivision 1 of Section 5030 of the Revised Codes of Montana, 1921, relating to the powers of mayors," respectfully report as follows:

That H. B. No. 75 do pass.

LEASE, Chairman."

On motion of Lease, report adopted.

"Mr. Speaker :

We, your Committee on Townships and Counties having had under consideration H. B. No. 103, introduced by Bricker, a Bill for an Act entitled: "An Act to amend Section 1215 of the Revised Codes of Montana of 1921, relating to the time county assessor to report valuation school districts," respectfully report as follows:

That H. B. No. 103 do pass.

SPENCER, Chairman."

On motion of Spencer, report adopted.

"Mr. Speaker :

We, your Committee on Townships and Counties having had under consideration H. B. No. 105, introduced by O'Connell, a Bill for an Act entitled: "An Act to amend Section 1622 of the Revised Codes of Montana of 1921, relating to the powers and duties of county commissioners respecting highways, by amending Sub-division 10 thereof," respectfully report as follows:

That H. B. No. 105 be amended as follows:

In Section 1, line 9, the word "discretion" be stricken out and the word "direction" be inserted in lieu thereof.

The bill so amended be recommended for passage.

SPENCER, Chairman."

On motion of Spencer, report adopted.

"Mr. Speaker :

We, your Committee on Printing, to whom was referred House Bills Nos. 85, 89, 87, 100, 80, Sub. 69, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman."

## INTRODUCTION OF BILLS AND MEMORIALS.

The following bills were introduced, read first and second times by title only, and referred to committees as follows:

H. B. No. 122, by Flynn: "A Bill for an Act entitled: 'An Act to amend Section 8867 of the Revised Codes of Montana of 1921 in relation to the powers of district judges at chambers,'" (Committee on Judiciary.)

H. B. No. 123, by Terrett: "A Bill for an Act entitled: 'An Act to amend Section 11528 of the Revised Codes of Montana of 1921, relating to gates and fences and prescribing punishment for violation of the same.'" (Committee on Livestock and Public Ranges.)

H. B. No. 124, by Scharnikow: "A Bill for an Act entitled: 'An Act to provide that city and town councils shall have power to license and regulate all industries, pursuits, professions, and occupations for certain purposes, and to impose penalties, for failures to comply with such license and regulatory requirements.'" (Committee on Affairs of Cities.)

H. B. No. 125, by Peden: "A Bill for an Act entitled: 'An Act to prohibit possession of and traffic in lophophora Williamsii or peyote (pellote) and agava Americana (sometimes known as mescal buttons) and providing penalties for its violation.'" (Committee on Public Health.)

H. B. No. 126, by Andrus: "A Bill for an Act entitled: 'An Act to regulate the practice of pharmacy in the State of Montana and to control and regulate the manufacture, sale and distribution of drugs, chemicals, poisons and potent drugs.'" (Committee on Public Health.)

Moved by Gullidge, duly seconded and carried that consideration of general orders with relation to Substitute for H. B. No. 5, be made a special order of business for 2:00 p. m. today.

Upon request of Larsen of Sheridan, and with unanimous consent, reverted to:

## NOTICES.

Authors gave notice that they will on tomorrow or some subsequent date introduce bills as follows:

By Larsen of Sheridan: "A Bill for an Act entitled: 'An Act to amend Sections 7725, 7726, and 7729 of the Revised Codes of Montana of 1921, fixing and prescribing legal rates of interest.'"

By Goodman: "A Bill for an Act entitled: 'An Act to amend Section 6105 of Revised Codes of 1921, relating to compensation and expenses of State Examiner.'"

By Goodman: "A Bill for an Act entitled: 'An Act to amend Section 3696 of the Revised Codes of 1921, relating to open season for elk.'"

Moved by Gullidge, duly seconded and carried that the House recess until 2:00 p. m.

## AFTERNOON SESSION.

House resumed at 2:00 p. m.

Mr. Speaker in the chair.

## SPECIAL ORDER—CONSIDERATION OF GENERAL ORDERS WITH RESPECT TO SUBSTITUTE FOR HOUSE BILL NO. 5.

Moved by Gullidge, duly seconded and carried that the House resolve itself into a Committee of the Whole for the consideration of H. B. No. 5.

Gullidge in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole, having had under consideration Substitute for House Bill No. 5, respectfully report back with the recommendation that:

Substitute for House Bill No. 5 be amended as follows:

Section 3 by striking out in line 3 the words "and select a member of the board as Secretary."

Also Section 5 in line 1 by inserting after the word "Board" "may appoint a secretary and."

Also Section 8 by striking out in line 9 of printed bill after the word "property" the first comma, and the word "and," and inserting in lieu thereof the word "of."

Also Section 9 by inserting after the words "firm or" in line 1 the words "corporation or the," and by inserting the word "the" before the word "State" in line 2, and by striking out the words "or corporation" in line 2.

Also Section 13 by striking out in line 3 after the word property the word "of" and inserting in lieu thereof the word "in."

Also Section 13 by striking out in line 4 the words "cost in."

Also Section 14 by striking out in line 12 the word "not."

Also Section 10 in line 14 by adding after the word "place" the words "within the county in which such change of assessment is proposed."

And when so amended, do pass.

GULLIDGE, Chairman."

Moved by Gullidge, duly seconded and carried that the report be adopted.

Moved by Kenyon, duly seconded that H. B. No. 50 be recommitted to the Committee on Judiciary.

Moved by Rodgers, as substitute, duly seconded and carried, that H. B. No. 50 be placed on general orders.

Moved by Kenyon, duly seconded and carried that House reconsider action in adopting committee report on Sub. H. B. No. 15.

Moved by Larsen of Sheridan, duly seconded and carried, that Sub. for H. B. No. 15 be referred to Committee on Labor.

Upon request of Bosley, and with unanimous consent, reverted to:

#### NOTICES.

Authors gave notice that they would on tomorrow or some subsequent date introduce bills as follows:

By Bosley: "A Bill for an Act entitled: 'An Act to amend Chapter 56 Part IV of the Political Codes of the State of Montana, Sections 5226 and 5238 Revised Codes of Montana, 1921, relative to special improvement districts in cities and towns.'"

By Buchanan and Berryman by request: "A Bill for an Act entitled: 'An Act to amend Section 4767 of the Revised Codes of Montana of 1921, relating to the deposit of city and town funds.'"

Moved by Gullidge, duly seconded and carried that House adjourn until Friday, January 26, at 10:30 p. m.

CALVIN CRUMBAKER, Speaker.

Attest: J. A. SHOEMAKER, Chief Clerk.

#### TWENTY-SIXTH DAY

House of Representatives,  
January 26, 1923.

House convened pursuant to adjournment at 10:30 a. m.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Upon roll call all members present except: Buell, Cowley, Gillette, and Kennedy excused.

The Committee on Journal reported as follows:

"Mr. Speaker:

We, your Committee on Journal, have this day examined the Journal for the 25th legislative day and found the same correct.

BUCHANAN, Chairman."



## COMMUNICATIONS AND PETITIONS.

## COMMUNICATIONS FROM THE SENATE.

Moved by Boorman, duly seconded and carried that the following communications from the Senate be considered read at length:

"Helena, Montana, January 24, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following standing committee report as follows:

Committee on Judiciary: Having had under consideration House Bill No. 7, introduced by Kenyon, being a Bill for an Act entitled: "An Act to amend Section 9443 of the Revised Codes of Montana of 1921 relating to redemption of property from execution sales, or foreclosure sales," beg leave to recommend that said bill be not concurred in.

Report adopted, bill is herewith returned to the House.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, January 24, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following motion was made and carried:

"Moved by Senator Harmon that out of respect for the memory of the Honorable Harry L. Wilson, whose funeral ceremony is being performed today, the Senate adjourn until 11:00 a. m., Thursday, January 25th, 1923; and that the Secretary of the Senate be instructed to send a telegram of sympathy and condolence to the wife and family of the deceased."

Very respectfully,

J. F. CONE, Secretary of the Senate."

"January 24th, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following is a report of the Special Investigation Committee:

Mr. President:

We, your Special Committee assigned to the task of investigating state offices and executive departments, beg leave to submit the following partial report. That we have considered the question of abolishing the office of State Accountant and that we recommend that the office be abolished and that the accounting system of the State be placed in the hands of the State Auditor and that the examination of all offices of the State, elective or appointive, and all State institutions be placed in the State Examiner's office."

We further recommend that the office of Parole Commissioner be abolished and that the duties assigned to him be transferred to the warden's office of the state prison."

PAUL, Chairman  
DOWLIN.  
CLARK.

Respectfully,

J. F. CONE, Secretary of the Senate."

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following notices of bills were this day presented:

By Leuthold: A Bill for an Act entitled: "An Act to amend Section 1652 of the Revised Codes of Montana of 1921, relating to Special road districts, objects, powers and duties."

By Pauline: A Bill for an Act entitled: "An Act to amend Section 11956 of the Revised Codes of Montana of 1921 relating to the number of peremptory challenges of jurors allowed the State in the trial of criminal cases."

By Deman: A Bill for an Act entitled: "An Act making the clerk of the State Board of Examiners the clerk for the State Board of Pardons, the State

Board of Commissioners for the Insane and the State Board of Prison Commissioners, and repealing Section 123 of the Revised Codes of Montana of 1921."

By Healy: A Bill for an Act entitled: "An Act amending Section 853 of the Revised Codes of Montana of 1921 relating to the control of the University of Montana and the appointment of its faculty and employees and repealing all acts and parts of acts in conflict herewith."

By Speer: A Bill for an Act entitled: "An Act giving the judges of the district courts of the State of Montana, jurisdiction to sign all default judgments, decrees, orders to show cause, and all ex-parte orders, in chambers anywhere within the judicial district."

By Page: A Bill for an Act entitled: "An Act to amend Sections 2909 and 2910 of the Revised Codes of Montana of 1921, relating to workmen's compensation and defining the compensation of and actions by workmen for malpractice."

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were introduced read first and second times and referred to committees as designated:

Senate Bill No. 47, by McQuitty: "An Act to amend Sections 284 and 290 of Chapter 19 of the Revised Codes of Montana of 1921, relating to the State Purchasing Department and repealing all acts or parts of acts in conflict herewith." Referred to Committee on Judiciary.

Senate Bill No. 48, by Garber: "An Act amending Section 4736 Revised Codes of Montana 1921, relating to certain duties of county officials." Referred to Committee on Counties and Towns.

Senate Bill No. 49, by Rhoads: "An Act to amend Section 2726 of the Revised Codes of the State of Montana of 1921, relating to inspection of boilers." Referred to Committee on Judiciary.

Senate Bill No. 50, by Paul, Dowlin and Clark: "An Act requiring the State Auditor to prescribe the general methods and details of accounting for public money by state officers and institutions." Referred to Committee on Finance and Claims.

Senate Bill No. 51, by Paul, Dowlin and Clark: "An Act to repeal Sections 305, 306, 307, 308 and 309 of the Revised Codes of Montana of 1921, creating the office of State Accountant and prescribing his powers and duties." Referred to Committee on Judiciary.

Senate Bill No. 52, by Greening: "An Act relating to chattel mortgages and increase thereof." Referred to Committee on Judiciary.

Senate Bill No. 53, by Lowe: "An Act requiring certain sleighs used in this State by any persons, firms, or corporations to be of certain width; and providing a penalty for violating the provisions of this act." Referred to Committee on Agriculture.

House Bill No. 9, by Kenyon: Referred to Committee on Education.

House Bill No. 11, by Brandjord: Referred to Committee on Education.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, January 25, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bill No. 21, introduced by Pauline:

"An Act prescribing the qualifications of electors who shall be entitled to vote upon proposals to create or increase indebtedness of the state, county, city, town, school district or other municipal corporation; providing for the preparing and posting of lists of such qualified electors; providing for the preparing and furnishing of pool-books; prescribing the duties of the county clerk and clerk of the city, town, school district or other municipal corporation, and repealing acts or parts of acts in conflict herewith," was read three several times, passed, title agreed to, and is herewith transmitted to the house for concurrence.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, January 25, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee of the Whole to whom was referred business on general file having had same under consideration beg leave to report as follows:

That Senate Bill No. 16 do pass.

That Senate Bill No. 32 do pass.

That Senate Bill No. 9 do pass.

That Senate Bill No. 31 do pass.

That Senate Bill No. 38 be amended by inserting after the word appoint in line 4 of Section 1, the words, "From among His Deputies now provided by Law" and as amended do pass.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, January 25, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Special Committee appointed to investigate state offices and state executive departments, submitted the attached partial report:

Report adopted.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Mr. President:

We, your Special Committee, appointed to investigate state offices and state executive departments beg leave to submit the following partial report. That we have made a careful examination, pursuant to the terms of the Resolution, of the office of the Clerk of the Supreme Court of the State of Montana and beg leave to report as follows:

That we find that the yearly appropriation for this department amounts to about \$51,000.00. This sum covers the salaries of the Clerk of the Supreme Court and his own assistant. It also covers the salaries of the Supreme Court Judges and all their clerical help and the expense of the publication of all the books and documents which come from the Supreme Judicial department of the State of Montana.

The office of the Clerk of the Supreme Court has been conducted along the same lines at about practically the same annual expense for a number of years. Your committee has nothing but the highest praise for the manner in which the office has been handled and the way that the expense has been kept down both by the Supreme Court Judges and the Clerk of the Supreme Court.

In addition to the appropriation of \$51,000.00 annually, we find that the office receives in the way of license fees from lawyers and fees collected for the filing of papers, approximately \$7,000.00 annually. The fees collected for the filing of papers go into the general fund and the license money collected from the lawyers of the State is used for the purpose of holding bar examinations and paying the expense of disbarment proceedings which amounts annually to \$700.00 or \$800.00; the remainder being turned over to the State Law Librarian for the purpose of buying books for the state law library.

After making a thorough investigation of this office and consulting the Chief Justice of the Supreme Court of Montana with reference to same, we recommend that after June 30th, 1923, no appropriation be made for the Supreme Court Commission. The appropriation made for this commission two years ago was Twenty Thousand (\$20,000). We believe this amount can be saved without in any way interfering with the handling of the business of the Supreme Court of the State. The Supreme Court will be in such shape by July 1, 1923, that they will not need the services of the Supreme Court Commission and with a small allowance for additional stenographic help in case of necessity, the Supreme Court will be able to function efficiently and satisfactorily without the services of the Supreme Court Commission.

We therefore recommend to the Finance and Claims Committee of the Senate that no appropriation be made for the Supreme Court Commission after the present fiscal year has closed, June 30, 1923, and we further recommend that the



Finance and Claims Committee allow the Judicial Department an extra Thousand (\$1000.00) to cover needed stenographic help in that department in case of necessity and in the event that it is not necessary to use this sum or all of it, that whatever is not needed revert to the general fund."

Respectfully,

SPECIAL COMMITTEE,

PAUL.

DOWLIN, chairman.

CLARK."

"January 25, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following notices of bills were this day presented:

By Stewart of Meagher: "An Act to amend Sections 2238 and 2239 of the Revised Codes of Montana of 1921, relating to the collection of personal property taxes."

By Watson: "An Act to regulate the practice of pharmacy in the State of Montana and to control and regulate the manufacture, sale and distribution of drugs, chemicals, poisons and potent drugs."

By Walker: "An Act to repeal Section 5086 of the Revised Codes of Montana of 1921, relating to responsibility of cities and towns for damages by mobs and riots."

By Harmon: "An Act to amend Section 1271 of the Revised Codes of 1921 relating to the powers and duties of boards of trustees of county high schools."

By Greening: "An Act to provide a penalty for making derogatory statements affecting banks."

By Hazelbaker: "An Act to amend Sections 4502, 4503, 4504 of the Revised Codes of Montana of 1921 relating to insect pests, and providing the method of paying the expense of insect pest extermination."

By Haley: "An Act establishing and defining the liability of cities and towns in this State for the negligence or mismanagement of such cities and towns, and their officers, agents, servants or employees."

By Kane: "An Act to amend Section 8868 Revised Codes, relating to the disqualification of judicial officers."

By Greenup: "An Act to amend Section 2394 of the Revised Codes of Montana of 1921, relating to the apportionment of the 'gasoline liscence tax fund,' and repealing Section 2393 of the Revised Codes of Montana of 1921."

Very respectfully,

J. F. CONE, Secretary of the Senate."

"January 25, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were introduced, read first and second times, and referred to committees as designated:

Senate Bill No. 54, by Walker: "An Act to authorize and provide for the consolidation and merging of the corporate existence and government of the County of Silver Bow and all cities and towns therein into one municipal corporation and government under the corporate name 'City and County of Butte,' defining the powers thereof and providing a commission-manager plan of government therefor." Referred to Committee on Counties and Towns.

Senate Bill No. 55, by Page: "An Act to amend Sections 2909 and 2910 of the Revised Codes of Montana of 1921, relating to workmen's compensation and defining the compensation of and actions by workmen for malpractice." Referred to Committee on Compensation.

Senate Bill No. 56, by Speer: "An Act giving to the judges of the District Courts of the State of Montana jurisdiction to sign all default judgments, decrees, orders to show cause, and all ex-parte orders, in chambers anywhere within the judicial district." Referred to Committee on Judiciary.

Senate Bill No. 57, by Leuthold: "An Act to amend Section 1652 of the Revised Codes of Montana of 1921, relating to special road districts, objects, powers and duties." Referred to Committee on Roads and Highways.

Senate Bill No. 58, by Healy: "An Act amending Section 853 of the Revised Codes of Montana of 1921 relating to the control of the University of Montana and the appointment of its faculty and employees and repealing all acts and parts of acts in conflict herewith." Referred to Committee on Education.

Senate Bill No. 59, by Healy: "An Act to amend Section 716, 718, and 719 of the Revised Codes of Montana, 1921, and to repeal Section 717 of the Revised Codes of Montana, 1921, relating to voting by absent electors." Referred to Committee on Election and Privileges.

Senate Bill No. 60, by Paul, Dowlin, Clark: "An Act to amend Section 297 of the Revised Codes of Montana relating to the State budget." Referred to Committee on Finance and Claims.

Senate Bill No. 61, by Paul, Dowlin, Clark: "An Act to amend Section 210 of the Revised Codes of Montana of 1921, prescribing the duties of the State Examiner and his assistants." Referred to Committee on Finance and Claims.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, January 25, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following standing committees this day reported as follows:

Committee on Elections and Privileges: Having had under consideration Senate Bill No. 39, by McCone, recommend that same do pass.

Committee on Rules: Recommend as follows. That Rule 41 be added to the Rules and to read as follows:

Rule 41. Question of privilege: questions of privilege are defined by the Senate as follows, to-wit—

1. Those affecting the rights of the Senate collectively, its safety, dignity, and the integrity of its proceedings.

2. The rights, reputation and conduct of members individually in their representative capacity.

3. A question of privilege concerning the Senate shall have superiority over one concerning the member, but either takes precedence of all other motions except a motion to adjourn."

Reports adopted.

Very respectfully,

J. F. CONE, Secretary of the Senate."

#### NOTICES.

Authors gave notice that they will on tomorrow or some subsequent date introduce bills as follows:

By Committee on Agriculture: "A Bill for an Act entitled: 'An Act to amend Sections 3574, 3575, 3579, 3588 and 3589 of the Revised Codes of Montana of 1921, relating to public grain warehouses, the regulation of their charges, defining the rights of owners of grain stored in public warehouses, and to amend Mr. Chapter 254 of the Revised Codes of Montana of 1921, by adding thereto, two new sections to be known as Sections 3588(A) and 3588(B) forbidding the sale or stored grain and defining storage of grain as a bailment, and one new section to be known as 3589(A) providing protection for holders of warehouse receipts in case of insolvency.'"

By Committee on Agriculture: "A Bill for an Act entitled: 'An Act relating to farm storage warehouses for grain: providing for the storage, measuring, inspection, grading and insurance of grain in licensed warehouses on the farm: providing for the issuance of negotiable warehouse receipts secured by grain held in licensed farm warehouses, and defining the duties of the Commissioner of Agriculture thereto.'"

By McCormack: "A Bill for an Act entitled: 'An Act to authorize the State Treasurer to transfer certain funds.'"

By Loble: "A Bill for an Act entitled: 'An Act to amend Section 2917 of Chapter 213, of the Revised Codes of Montana, 1921, known as the workmen's compensation act relating to medical, surgical and hospital services to be furnished in case of injury.'"

By Oker: "A Bill for an Act entitled: 'An Act authorizing cities and towns to regulate and license soft drink establishments and pool and billiard halls, and to authorize said cities and towns to limit the number thereof allowed to do business in any given city or town.'"

By Tawney and Strange: "A Bill for an Act entitled: 'An Act providing for the registration of all marriages and divorces occurring within the State of Montana with the State Registrar of Vital Statistics, fixing fees for the issuance of marriage licenses and for recording marriage licenses and certificates and decrees of divorce, providing for the necessary forms and blanks: the promulgation of rules and regulations hereunder, making violation of this act a misdemeanor and providing a penalty therefor and repealing Sections 5713, 5716, 5718 and 5720 of the Revised Codes of 1921 of the State of Montana.'"

By Bernard and Cady: "A Bill for an Act entitled: 'An Act to provide for a license tax on motor vehicles and other vehicles and upon chauffeurs and other operators of such vehicles, and upon dealers in such vehicles, for the privilege of using the public streets, roads and highways of the State of Montana and for the repair of the injury thereto caused by such use and for the improvement, maintenance and policing thereof; to provide for the registration, identification and conduct of motor vehicles and other vehicles and of chauffeurs and other operators thereof and of dealers therein and for the collection of such license taxes, and for the creation of a State Highway fund and the use and disposition thereof; to provide for the construction, maintenance, betterment and policing of certain roads, streets and highways of the State and for the direction and supervision of such work by the State Highway Commission and defining the duties and powers thereof; to provide for the filing of sworn statements of manufacturers of motor vehicles concerning the weights and prices of vehicles manufactured by them; to provide for the acceptance of the provisions of certain acts of the Congress of the United States and for co-operation with the Federal government in the construction and maintenance of certain roads and highways and pledging the good faith of the State of Montana therefor; to provide for the administration of this act and for punishment for violations thereof, and for repealing all acts or parts of acts in conflict herewith.'"

By Bernard and Cady: "A Bill for an Act entitled: 'An Act to provide a license tax of two cents per gallon on gasoline, distillate, Liberty fuel and other volatile and inflammable liquids used, sold, distributed, manufactured, produced or compounded in the State of Montana for any purpose including the operating or propelling motor vehicles over or upon the highways and public roads; to provide for the collection thereof; to provide for certain exemptions; to provide a manner of ascertaining the number of gallons of gasoline, distillate, Liberty fuel and such other volatile and inflammable liquids used, sold, distributed, manufactured, produced or compounded in the State of Montana; to provide for registering of dealers engaged in the sale, distribution, manufacturing, producing and compounding of gasoline, distillate and other volatile and inflammable liquid fuels; to provide for the creation of the State Highway maintenance and Betterment fund, and for the disposition of the moneys arising from this act; to fix a penalty for the violation of the provisions of this act; to define certain words, terms and phrases used therein, and to repeal Chapter 185 of the Laws of Montana including Sections 2381 to 2396 inclusive and all other acts or parts of acts in conflict herewith, and declaring an emergency.'"

### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received:

"Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bills Nos. 16, 27, 35, 94, 98, 77, 58, beg leave to report that the same have this day been returned from the printer correctly printed.

BRAY, Chairman."

"Mr. Speaker:

We, your Committee on Townships and Counties having had under consideration H. B. No. 112, introduced by McLeod: A Bill for an Act entitled: "An Act to amend Section 4465 of the Revised Codes of Montana of 1921, relating



to the jurisdiction and powers of boards of county commissioners, by amending Sub-division 5 hereof," respectfully report as follows:

That H. B. No. 112 be amended by striking out in Section 1, line 6 the word "integrant" and inserting in lieu thereof the word "indigent." The bill so amended, do pass.

On motion of Spencer, report adopted.

SPENCER, Chairman."

"Mr. Speaker:

We, your Committee on Education, having had under consideration S. B. No. 11, introduced by Healy: "A Bill for an Act entitled: 'An Act to amend Sections 1280 and 1282, Revised Codes of 1921, providing for the distribution of county high school tax and providing what pupils shall be included in determining attendance,'" respectfully report as follows:

That S. B. No. 11 be amended by adding in Section 3, line 4, after the word "employment," the words "and for reason of Vocational Training not otherwise available" and as so amended the bill be concurred in.

GULLIDGE, Chairman."

On motion of Gullidge, report adopted.

### INTRODUCTION OF BILLS AND MEMORIALS

The following Senate Bill was introduced, read first and second times by title and history only, and referred to the Committee on Revenue and Taxation:

S. B. No. 21, by Pauline: "A Bill for an Act entitled: 'An Act prescribing the qualification of electors who shall be entitled to vote upon proposals to create or increase indebtedness of the state, county, city, town, school district or other municipal corporation; providing for the preparing and posting of lists of such qualified electors; providing for the preparing and furnishing of poll-books; prescribing the duties of the county clerk and clerk of the city, town, school district or other municipal corporation, and repealing acts or parts of acts in conflict herewith.'"

The following bills were introduced, read first and second times by title only, and referred to the committees as follows:

H. B. No. 127, by Committee on Agriculture: "A Bill for an Act entitled: 'An Act to create a State Board of Hail Insurance, defining the duties and powers of said board and public officers in connection therewith; providing for the levy and collection of taxes on all lands subject to injury or destruction by hail of all tax payers who may elect to become subject to the provisions of this act; providing for crop liens in certain instances where the applicant is not the owner of land; providing for hail insurance fund; providing for the appointment of appraisers, the appraisal and adjustment of losses and the settlement therefor; providing for the foreclosure of liens; providing for the exemption of benefits from execution and attachment; and amending Sections 350, 351, 352, 354, 355, 358, 360, 361 and 363, Revised Codes of 1921, and repealing all acts and parts of acts in conflict herewith.'"

(Committee on Agriculture.)  
H. B. No. 128, by McCarty: "A Bill for an Act entitled: 'An Act prohibiting the introduction into, the manufacture of, and the giving, exchanging, bartering, selling or disposing of ardent spirits, ale, beer, wine or intoxicating liquors within the State of Montana and providing penalties for the violation thereof.'"

(Committee on Public Morals, Charities and Reforms.)  
H. B. No. 129, by Bosley: "A Bill for an Act entitled: 'An Act to amend Chapter 56, Part IV, of the Political Code of the State of Montana, Sections 5226 and 5238 Revised Codes of Montana, 1921, relative to special improvement districts in cities and towns.'"

(Committee on Affairs of Cities.)  
H. B. No. 130, by Bosley: "A Bill for an Act entitled: 'An Act authorizing cities and towns to appeal from the police or justice courts to the district court and from the district court to the supreme court in any criminal action or prosecution in which an ordinance of the city or town is held or adjudged invalid or unconstitutional.'"

(Committee on Judiciary.)  
H. B. No. 131, by Goodman: "A Bill for an Act entitled: 'An Act to amend Section 6105 of the Revised Codes of Montana of 1921 relating to compensation and expenses of the State Examiner.'"

(Committee on Banks and Banking.)

H. B. No. 132, by Rasmussen: "A Bill for an Act entitled: 'An Act prohibiting the recording of a deed, or other instrument, conveying title to real estate against which there are delinquent taxes unpaid.'" (Committee on Judiciary.)

H. B. No. 133, by Dean: "A Bill for an Act entitled: 'An Act for the promotion of thrift and savings, to provide loans for farmers and workers, and to authorize the organization of co-operative banks.'" (Committee on Banks and Banking.)

H. B. No. 134, by Larsen of Sheridan: "A Bill for an Act entitled: 'An Act to amend Sections 7725, 7726 and 7729 of the Revised Codes of Montana of 1921, fixing and prescribing legal rates of interest.'" (Committee on Ways and Means.)

H. B. No. 135, by Buchanan and Berryman: "A Bill for an Act entitled: 'An Act to amend Section 4767 of the Revised Codes of Montana of 1921, relating to the deposit of county funds, and repealing Section 5036 of the Revised Codes of Montana of 1921, relating to the deposits of city and town funds.'" (Committee on Ways and Means.)

H. B. No. 136, by Duffy: "A Bill for an Act entitled: 'An Act prescribing a minimum wage for females employed in the State of Montana, and making it a misdemeanor to pay, or contract to pay, a less wage than that provided for in this act.'" (Committee on Labor.)

H. M. No. 1, by Andrus, was introduced, read first and second times by title only, and referred to the Committee on Federal relations.

### MOTIONS AND RESOLUTIONS

Moved, by Gullidge, duly seconded and carried on vote of at least two-thirds of the members of the House, that reading of bills be dispensed with upon third reading today, and that bills be considered read.

Moved by Lemmon, duly seconded and carried that House Bill No. 98 be re-referred to the Committee on Labor.

Moved by Maury, and duly seconded that House Bill No. 46 be re-referred to the Committee on Public Morals, Charities and Reforms.

Moved by Loble, as a substitute, duly seconded and carried that House Bill No. 46 be re-referred to the Committee on Judiciary.

### THIRD READING OF SENATE BILLS.

S. B. No. 7, by Church, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Kelly (Pondera), Kelly (Silver Bow), Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Zuck, Mr. Speaker. Total, 93.

Noes: Maury. Total, 1.

Absent and not voting: Buell, Cowley, Gillette, Johnson, Kennedy, Wold. Total, 6.

The Committee on Engrossment reported Sub. for H. B. No. 5 correctly engrossed.

### THIRD READING OF HOUSE BILLS.

Upon request of Swift, and with unanimous consent, Sub. H. B. No. 5 was placed at the head of Third Reading.

Upon request of Scharnikow, and with unanimous consent Sub. for H. B. No. 5 was considered read at length.



Sub. for H. B. No. 5, by Committee on Revenue and Taxation, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Arnold Baker, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Wibaux), Dean, Dell, Duffy, Elliott, English, Facey, Flynn, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Silver Bow), Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Myrick, Nelson, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total, 84.

Noes: Armstrong, Benedict, Burke, Davis (Fergus), Denny, Fulsher, Gillin, Goodman, Kelly (Pondera), Mushbach, O'Connell. Total, 11.

Absent and not voting: Buell, Cowley, Gillette, Kennedy, Rasmussen. Total, 5.

H. B. No. 14, by Brandjord, having been read three several times, and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kenyon, Kinville, Larson (Richland), Lease, Leavens, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total, 92.

Noes: None.

Absent and not voting: Buell, Cowley, Gillette, Joffray, Kennedy, Larsen (Sheridan), Lemmon, Myrick. Total, 8.

H. B. No. 18, by Scharnikow, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kenyon, Kinville, Larson (Richland), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total, 92.

Noes: None.

Absent and not voting: Andrus, Buell, Cowley, Facey, Gillette, Kennedy, Larsen (Sheridan), Myrick. Total, 8.

H. B. No. 34, by Gullidge, having been read three several times and title and history agreed to, failed of passage by the following vote:

Ayes: Andrew, Andrus, Arnold, Berryman, Bohling, Boorman, Brandjord, Bray, Bricker, Buchanan, Cavanaugh, Cronk, Dean, English, Goodman, Hanson, Hawley, Kenyon, Larson (Richland), Lease, Leavens, Lemmon, McLeod, Murphy, Oker, Ostby, Peden, Rodgers, Roscow, Ruffcorn, Scharnikow, Seidensticker, Spencer, Stoddard, Tawney, Wold, Zuck, Mr. Speaker. Total, 38.

Noes: Armstrong, Baker, Benedict, Bergstrom, Bernard, Bosley, Burke, Buttelman, Caplis, Carlson (Gallatin), Carlson (McCone), Clarke, Davis (Fergus), Davis (Wibaux), Dell, Denny, Duffy, Elliott, Facey, Flynn, Fulsher, Gillin, Gullidge, Hamilton, Harris, Hoffman, Holton, Joffray, Johnson, Kelly



(Pondera), Kelly (Silver Bow), Kinville, Larsen (Sheridan), Loble, McAfee, McCarty, McCormack, Maury, Mushbach, Nelson, O'Connell, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Sandy, Smethurst, Stoner, Strange, Swift, Taylor, Terrett, Tierney, Troy. Total, 55.

Absent and not voting: Buell, Cady, Cowley, Gillette, Kennedy, Myrick, Smith. Total, 7.

H. B. No. 53, by Brandjord, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kenyon, Kinville, Larson (Richland), Larsen, (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Zuck, Mr. Speaker. Total, 95.

Noes: None.

Absent and not voting: Buell, Cowley, Gillette, Kennedy, Wold. Total, 5.

H. B. No. 60, by Cavanaugh, having been read three several times and title agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Brandjord, Bray, Bricker, Buchanan, Buttelman, Caplis, Carlson (Gallatin), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Elliott, Denny, English, Facey, Flynn, Goodman, Hamilton, Hanson, Harris, Hawley, Holton, Kelly (Silver Bow), Kinville, Larsen (Sheridan), Lease, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, O'Connell, Oker, Ostby, Peden, Perrine, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Seidensticker, Smith, Stoddard, Stoner, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Zuck, Mr. Speaker. Total, 71.

Noes: Armstrong, Bosley, Burke, Cady, Carlson (McCone), Duffy, Fulsher, Gillin, Gullidge, Hoffman, Joffray, Johnson, Kelly (Pondera), Kenyon, Larson (Richland), Leavens, Mushbach, Myrick, Nelson, Pilgeram, Smethurst, Spencer, Strange, Wold. Total, 24.

Absent and not voting: Buell, Cowley, Gillette, Kennedy, Scharnikow. Total, 5.

H. B. No. 64, by Goodman, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Leavens, Lease, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total, 94.

Noes: None.

Absent and not voting: Buell, Cowley, Gillette, Kennedy, Rodgers, Harris. Total, 6.

Upon request of Spencer, and with unanimous consent, the Committee on Townships and Counties was excused for committee work at 2:00 p. m.

## AFTERNOON SESSION.

House resumed at 2:00 p. m.

Mr. Speaker in the chair.

Upon request of Andrus, and with unanimous consent, reverted to:

## INTRODUCTION OF BILLS AND MEMORIALS

The following bill was introduced, read first and second times by title only, and referred to Committee on Public Health:

H. B. No. 137, by Andrus: "A Bill for an Act entitled: 'An Act empowering the boards of county commissioners of two or more adjoining counties to join in establishing a joint sanitarium for the treatment and care of persons suffering from tuberculosis; providing for the appointment for the board of trustees for such sanitarium and prescribing their duties, powers and compensation.'"

## THIRD READING OF SENATE BILLS.

S. C. Res. No. 1, by Harmon, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bricker, Buchanan, Burke, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Elliott, English, Facey, Flynn, Fulsher, Goodman, Gullidge, Hanson, Harris, Hawley, Hoffman, Joffray, Johnson, Kelly (Pondera), Kenyon, Kinville, Larson (Richland), Lease, Leavens, Loble, McAfee, McCarty, McLeod, Maury, Murphy, Mushbach, Myrick, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Seidensticker, Smethurst, Smith, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Troy, Mr. Speaker. Total, 76.

Noes: None.

Absent and not voting: Baker, Bray, Buell, Buttelman, Cowley, Duffy, Gillette, Gillin, Hamilton, Holton, Kelly (Silver Bow), Kennedy, Larsen (Sheridan), Lemmon, McCormack, Nelson, Pope, Sandy, Scharnikow, Spencer, Stoddard, Tierney, Wold, Zuck. Total, 24.

## THIRD READING OF HOUSE BILLS.

Moved by Maury, duly seconded that Sub. for H. B. No. 72 be re-referred to the Committee of the Whole.

Moved by Stoner, as a substitute, duly seconded and carried that Sub. for H. B. No. 72 be placed at bottom of list for third reading.

Sub. H. B. No. 73, by Judiciary Committee, having been read three several times and title and history agreed to was passed by the following vote:

Ayes: Andrew, Andrus, Arnold, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bricker, Buchanan, Burke, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Goodman, Gullidge, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kenyon, Kinville, Larson (Richland), Lease, Leavens, Loble, McAfee, McCarty, McCormack, McLeod, Murphy, Mushbach, Myrick, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Seidensticker, Smethurst, Smith, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Troy, Wold, Zuck, Mr. Speaker. Total, 79.

Noes: None.

Absent and not voting: Armstrong, Baker, Bray, Buell, Buttelman, Cowley, Gillette, Gillin, Hamilton, Kelly (Silver Bow), Kennedy, Larsen (Sheridan), Lemmon, Maury, Nelson, Pope, Sandy, Scharnikow, Spencer, Stoddard, Tierney. Total, 21.

H. B. N. 78, by Judiciary Committee, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrus, Armstrong, Arnold, Benedict, Bergstrom, Bernard, Berryman, Bohling, Brandjord, Bricker, Buchanan, Burke, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Elliott, English, Facey, Flynn, Fulsher, Goodman, Gullidge, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kenyon, Kinville, Larson (Richland), Lease, Leavens, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Oker, Ostby, Peden, Pilgeram, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Seidensticker, Smethurst, Smith, Stoner, Strange, Swift, Taylor, Terrett, Troy, Wold, Zuck, Mr. Speaker. Total, 74.

Noes: Andrew, Duffy, O'Connell. Total, 3.

Absent and not voting: Baker, Boorman, Bosley, Bray, Buell, Buttelman, Cowley, Gillette, Gillin, Hamilton, Kelly (Silver Bow), Kennedy, Larsen (Sheridan), Lemmon, Nelson, Perrine, Pope, Sandy, Scharnikow, Spencer, Stoddard, Tawney, Tierney. Total, 23.

H. B. No. 55, by Loble, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Benedict, Bergstrom, Berryman, Bohling, Bosley, Brandjord, Bricker, Buchanan, Burke, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Goodman, Gullidge, Hanson, Harris, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kenyon, Kinville, Larson (Richland), Lease, Leavens, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Seidensticker, Smethurst, Smith, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Troy, Wold, Zuck, Mr. Speaker. Total, 77.

Noes: None.

Absent and not voting: Baker, Bernard, Boorman, Bray, Buell, Buttelman, Cowley, Gillette, Gillin, Hamilton, Hawley, Kelly (Silver Bow), Kennedy, Larsen (Sheridan), Lemmon, Loble, Nelson, Pope, Sandy, Scharnikow, Spencer, Stoddard, Tierney. Total, 23.

Moved by Murphy, duly seconded and carried that action on H. B. No. 57 be deferred until Monday, January 29th.

H. B. No. 63, by Scharnikow, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Bergstrom, Berryman, Bohling, Brandjord, Bricker, Buchanan, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Wibaux), Dean, Dell, Denny, Elliott, English, Facey, Flynn, Goodman, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kenyon, Kinville, Larson (Richland), Lease, Leavens, Loble, McAfee, McCormack, Maury, Murphy, Mushbach, O'Connell, Ostby, Peden, Perrine, Pilgeram, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Seidensticker, Smith, Swift, Taylor, Terrett, Troy, Wold, Zuck, Mr. Speaker. Total, 65.

Noes: Benedict, Bosley, Burke, Davis (Fergus), Duffy, Fulsher, Gullidge, Myrick, Oker, Smethurst, Stoner, Strange, Tawney, Tierney. Total, 14.

Absent and not voting: Baker, Bernard, Boorman, Bray, Buell, Buttelman, Cowley, Gillette, Gillin, Kelly (Silver Bow), Kennedy, Larsen (Sheridan), Lemmon, McCarty, McLeod, Nelson, Pope, Sandy, Scharnikow, Spencer, Stoddard. Total, 21.

Moved by Gullidge, duly seconded and carried that House proceed to next order of business and defer action on Sub. H. B. No. 72 until Monday, January 29.

#### CONSIDERATION OF GENERAL ORDERS.

Moved by Gullidge, duly seconded and carried that House resolve itself into a committee of the Whole.

Boorman in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:



"Mr. Speaker:

We, your Committee of the Whole, having had under consideration bills on general orders, respectfully report back with the recommendation that:

H. B. No. 50 be amended as follows:

By inserting between lines 13 and 14 of the engrossed bill the following words: "Provided, however, that nothing contained in this act shall be so construed as to make it unlawful to issue amortization bonds without a vote of the people for the purpose of retiring bonds outstanding when this act becomes effective, so long as such amortization bonds when added to all other outstanding indebtedness, does not exceed five per centum of the assessed valuation of the county issuing the same," and when so amended do pass.

S. J. M. No. 1, be concurred in.

Sub. for H. B. No. 69, be recommitted to the Committee on Education.

H. B. No. 80, do pass.

H. B. No. 87, do pass.

H. B. No. 89, be amended as follows:

Section 1 by striking out in line 3 the word "running" and inserting in lieu thereof the word "operating," and when so amended, do pass.

H. B. No. 100, do pass.

BOORMAN, Chairman."

On motion of Boorman, report adopted.

Upon request of Andrus, and with unanimous consent, reverted to:

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received:

"Mr. Speaker:

We, your Committee on Federal Relations having had under consideration House Memorial No. 1, introduced by Andrus, respectfully report as follows:

That House Memorial No. 1 do pass.

HAWLEY, Chairman."

On motion of Hawley, report adopted.

Moved by Andrus, duly seconded and carried that printing of H. M. No. 1 be dispensed with and that said Memorial be placed on general orders.

"Mr. Speaker:

We, your Committee on State Boards and Officers having had under consideration H. B. No. 43, introduced by Cowley, respectfully report as follows:

That H. B. No. 43 do not pass and submit herewith substitute for H. B. No. 43, introduced by your committee and recommend that same do pass.

OSTBY, Chairman."

On motion of Ostby, report adopted.

#### INTRODUCTION OF BILLS AND MEMORIALS

Sub. for House Bill No. 43, introduced by the Committee on State Boards and Officers was read first and second times by title only and referred to the Committee on Printing.

Sub. for H. B. No. 43, by Committee on State Boards and Officers: "A Bill for an Act entitled: 'An Act requiring the State Purchasing Agent to advertise for bids for the publication of the quarterly reports of the State Treasurer, and requiring the letting of a contract thereof to the lowest responsible bidder.'"

Upon request of Boorman, and with unanimous consent, reverted to:

#### NOTICES.

Authors gave notice that they will on tomorrow or some subsequent date introduce bills as follows:

By Boorman: "A Bill for an Act entitled: 'An Act to amend Section 8291 of the Revised Codes of Montana, 1921, relating to selling or removing mortgaged property to defraud mortgagees.'"

By McAfee: "A Bill for an Act entitled: 'An Act exempting from taxation property of the value of one thousand dollars (\$1,000.00) on all soldiers of the Civil war.'"

By Loble: "A Bill for an Act entitled: 'An Act to submit to the qualified electors of the State of Montana an amendment to Section 2 of Article V of the Constitution of the State of Montana providing that members of the House of Representatives shall be elected for a term of four years.'"

By Loble: "A Bill for an Act entitled: 'An Act to submit to the qualified electors of the State of Montana an amendment to Section 6, of Article V, of the Constitution of the State of Montana providing for meetings of the legislative assembly to be held every four years.'"

By Maury, Troy, Andrew, Caplis, Kinville, Cavanaugh, English, Mushbach, Dell, Joffray, Carlson of McCone, Andrus, Perrine, Burke, Davis of Fergus, Duffy, Cady, Bosley, Murphy, Pilgeram, Clarke, Gillin, McLeod, Bricker and Seidensticker: "A Bill for an Act entitled: 'An Act to repeal Chapter 29 of the Revised Codes of Montana for 1921, being all of the sections of said chapter between Sections 11048 and 11122 inclusive, all relating to the regulations governing the manufacture, sale and use of intoxicating liquor.'"

#### UNFINISHED BUSINESS.

The following communication from the State Highway Commission was read:

"January 26, 1923.

To the Honorable,  
The House of Representatives,  
Eighteenth Legislative Assembly,  
Capitol Building, Helena, Montana.

Gentlemen: Complying with the provisions of a certain resolution adopted by the House of Representatives and transmitted to me on January 23rd, the attached statements are submitted.

Very respectfully,

GEO. W. LANSTRUM,  
State Highway Commissioner.

#### STATE HIGHWAY COMMISSION STATEMENT

Highway fund, highway revolving fund and plan deposit fund as of January 25, 1923:

Highway fund balance January 25, 1923.....	\$162,310.99
Highway revolving fund balance January 25, 1923.....	7,415.94
Highway plan deposit balance January 25, 1923.....	995.00

Total Highway funds on hand January 25, 1923.....	\$170,721.93
Less indebtedness claims payable .....	31,259.08

Balance as of January 25, 1923 .....	\$139,462.85
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Statement Highway trust fund:

Balance on hand as of January 25, 1923.....	\$ 97,973.38
Vouchers submitted to Federal government.....	34,931.51

Total .....	\$132,904.89
Less indebtedness claims payable under contract in force on Federal Aid Projects .....	42,516.42

Balance to apply to payments on uncompleted projects.....	\$ 90,388.47"
With unanimous consent, reverted to:	

#### CONSIDERATION OF GENERAL ORDERS.

Moved by Gullidge, duly seconded and carried that the House resolve itself into a Committee of the Whole for the consideration of House Memorial No. 1.  
Boorman in the chair.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

“Mr. Speaker:

We, your Committee of the Whole, having had under consideration House Memorial No. 1, respectfully report back with the recommendation that:

House Memorial No. 1, do pass.

BOORMAN, Chairman.”

On motion of Boorman, report adopted.

Upon request of Loble, and with unanimous consent, reverted to:

## COMMUNICATIONS AND PETITIONS.

### COMMUNICATIONS FROM THE SENATE.

“Helena, Montana, January 26, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Senate Bills were this day read three several times, title agreed to, and are herewith transmitted to the House for concurrence:

Senate Bill No. 32, introduced by Henderson.

Senate Bill No. 31, introduced by Pomeroy.

Senate Bill No. 16, introduced by Oliver.

Senate Bill No. 9, introduced by Duncan.

Very respectfully,

J. F. CONE, Secretary of the Senate.”

“Helena, Montana, January 26, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Joint Memorial No. 2, introduced by Barney Carlson, was this day reported back with the recommendation that same be not concurred in report adopted and is herewith transmitted to the House.

Very respectfully,

J. F. CONE, Secretary of the Senate.”

Moved by Boorman, duly seconded and carried that the following communications from the Senate be considered read at length:

“Helena, Montana, January 26, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following notices of bills were this day presented:

Senate Joint Substitute Memorial, entitled:

By Loy: “A Memorial to the Congress of the United States to enact such legislation as will remove the causes for farmers receiving inadequate prices for their products, and better their economic conditions.”

By McQuitty: A Bill for an Act entitled: “An Act to amend Section 687 of the Revised Codes of Montana of 1921, relating to the number of ballots to be provided for general elections.”

By Page: “Move to amend the rules of the Senate relating to committees, for the purpose of adding a new committee thereto which will be known as the Committee on ‘Lobbies and Propaganda.’”

By Oliver: A Bill for an Act entitled: “An Act providing for the payment of filing fees and attorneys fees in an action for the foreclosure of threshermen’s liens, and repealing all acts and parts of acts in conflict herewith.”

By Oliver: A Bill for an Act entitled: “An Act amending Section 8370 of the Revised Codes of Montana of 1921, relating to the time in which actions for foreclosure of Threshermen’s Liens may be commenced.”

Very respectfully,

J. F. CONE, Secretary of the Senate.”



"Helena, Montana, January 26, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Standing Committees report as follows:

Roads & Highways: Senate Bill No. 57, introduced by Leuthold, recommend that same do pass.

Committee on Judiciary: Senate Bill No. 4, introduced by Duncan: Recommend that same do pass.

Committee on Judiciary: Senate Bill No. 46, introduced by Taylor; Recommend that same do not pass.

Committee on Judiciary: Senate Bill No. 47, introduced by McQuitty; Recommend that said bill do pass.

Committee on Capital & Labor: Senate Bill No. 26, introduced by Page; recommend that said bill do pass.

Committee on Engrossed Bills: Reported Senate Bills Nos. 38, 32, 31, 16, and 9 as correctly engrossed.

Committee on Printing: Reported Senate Bills Nos. 34 and 39 as correctly printed.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, January 26, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee on Agriculture to whom was referred Senate Bill No. 33, report as follows:

Amend Section 2 by striking out, beginning in line 11, "and after equal," all of line 12, and line 13, ending with the words, "freight rates therefrom," and inserting in lieu thereof the following, "and also after making due allowance, if any, for the difference in the actual cost of transportation from the point of production, manufacturer or distribution, to the point of sale," and as amended, recommend that the bill be printed.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, January 26, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee on Rules report as follows:

That Rule XXIV be changed to read as follows:

SENATE RULE NO. XXIV (Page 20).

#### RULES GOVERNING THE COMMITTEE OF THE WHOLE

1. As far as is possible or expedient, the rules of the assembly govern the committee of the whole.

2. The quorum for the Committee of the Whole is the same as the quorum for the assembly.

3. The only motions in order are to amend, to recommend for passage, for non-passage, for concurrence, for non-concurrence, for indefinite postponement to pass consideration and to rise.

4. Unless otherwise prescribed by the assembly before going into the Committee of the Whole a member may speak as often as he can get the floor and as long each time as is allowed in debate in the assembly.

5. The yeas and nays may not be ordered.

6. This committee may not appoint subcommittees.

7. The committee may not punish its members for misconduct but may report disorder to the assembly.

8. A sitting may be terminated by any of the following motions:

(a) "I move that the committee rise."

(b) "I move that the committee rise and report."

(c) "I move that the committee rise and report progress and ask leave to set again."

Report adopted.

Very respectfully,  
J. F. CONE, Secretary of the Senate."

"Helena, Montana, January 26, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Substitute for House Bill No. 5, was this day read first and second times and referred to committee on taxation.

Very respectfully,  
J. F. CONE, Secretary of the Senate."

"Helena, Montana, January 26, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were introduced, read first and second times, and referred to committees as designated.

Senate Bill No. 62, by Haley: "An Act establishing and defining the liability of cities and towns in this state for the negligence or mismanagement of such cities and towns, and their officers, agents, servants or employees." Referred to Committee on Counties and Towns.

Senate Bill No. 63, by Hazelbaker: "An Act to amend Sections 4502, 4503, and 4504 of the Revised Codes of Montana of 1921 relating to insect pests, and providing the method of paying the expense of insect pest extermination." Referred to Committee on Agriculture.

Senate Bill No. 64, by Stewart of Meagher: "An Act to amend Sections 2238 and 2239 of the Revised Codes of Montana of 1921 relating to the collection of personal property taxes." Referred to Committee on Taxation.

Senate Bill No. 65, by Walker: "An Act to repeal Section 5086 of the Revised Codes of Montana of 1921, relating to the responsibility of cities and towns for damages by mobs and riots." Referred to Committee on Counties and Towns.

Senate Bill No. 66, by Harmon: "An Act to amend Section 1271 of the Revised Codes of Montana 1921, relating to the powers and duties of Boards of Trustees of county high schools." Referred to Committee on Education.

Senate Bill No. 67, by Kane: "An Act to amend Section 8868 Revised Codes, relating to the dis-qualification of Judicial officers." Referred to Committee on Judiciary.

Senate Bill No. 68, by Adams: "An Act authorizing Board of Commissioners of Irrigation Districts to cancel assessments made for the benefit of the United States, and to amend Section 7236 of the Revised Codes of 1921." Referred to Committee on Irrigation and Water Rights.

Senate Bill No. 69, by Greenup: "An Act to amend Section 2394 of the Revised Codes of Montana of 1921, relating to the apportionment of the 'Gasoline License Tax Fund,' and repealing Section 2393 of the Revised Codes of Montana of 1921." Referred to Committee on Roads and Highways.

Senate Bill No. 70, by Pauline: "An Act to amend Section 11956 of the Revised Codes of Montana of 1921 relating to the number of peremptory challenges of jurors allowed the state in the trial of criminal cases." Referred to Committee on Judiciary.

Senate Joint Resolution No. 2, by Committee on Agriculture: Great Lakes-St. Lawrence Waterway Project.

"Be it Resolved Etc."

Read and passed.

Very respectfully,  
J. F. CONE, Secretary of the Senate."

Upon request of Gullidge, and with unanimous consent, reverted to:

### THIRD READING OF HOUSE BILLS

House Memorial No. 1, by Andrus, having been read three several times and title and history agreed to was passed without dissenting vote.

Upon request of Kenyon, and with unanimous consent, reverted to:

## REPORTS OF STANDING COMMITTEES

The following reports of standing committees were received:

“Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bills Nos. 65, 75, 83, 91, 92, 103, 105, 115, H. J. M. 1, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman.”

“Mr. Speaker:

We, your Committee on Judiciary, having had under consideration H. B. No. 33, by Facey, Hamilton, Roscow and McCarty, entitled: “An Act amending Sections 8883, 8885, 8886, 8887, and 8889 of Chapter 13, and Sections 8890 and 8894 of Chapter 14 of the Revised Codes of Montana of 1921, relating to different kinds of juries defined and qualifications and exemptions of jurors.” beg leave to recommend that same be amended as follows:

Amend the title by inserting after the words “Chapter 14,” the following: “And Section 8897 of Chapter 15,” also that the bill be amended by inserting after the word “excused” in Section 7, the following:

“A juror must not be excused by a Court for slight or trivial cause, or for hardship or inconvenience to his business, but only when material injury or destruction to his property or to property entrusted to him is threatened, or when his health or the health or proper care of his family, or the sickness or death of a member of his family requires his absence,” and by striking out Sections 8 and 9, and in lieu thereof inserting the following:

“Section 8. That Section 8897 of the Revised Codes of Montana of 1921 be amended to read as follows:

Section 8897. Selection of persons qualified to serve as trial jurors.

At the meeting specified in the last section the officers present must select from the last assessment roll of the county and make a list of the names of all persons qualified to serve as trial jurors, as prescribed in the last chapter; Provided, however, that any woman qualified to serve, who desires to be excused from jury service may claim exemption by signing a written or printed notice thereof and forwarding same to the County Assessor on or before the date of such meeting, and the names of such women so claiming exemption shall be omitted from the list of persons liable for jury service during the ensuing year.

Section 9. All acts and parts of acts in conflict herewith are hereby repealed.”

And by adding a new section to be known as Section 10, as follows:

“Section 10. This Act shall take effect from and after its passage and approval.”

And that as so amended, the bill do pass.

COMMITTEE ON JUDICIARY,  
KENYON, Chairman.”

Moved by Kenyon, report adopted.

Moved by Gullidge, duly seconded that House adjourn until Saturday, January 26th at 10:30 A. M.

Moved by Oker, as a substitute motion, and duly seconded that the House adjourn until Monday, January 29th, at 10:30 A. M.

Duffy requested roll call on substitute motion of Oker, which was duly seconded.

Boorman asked for a call of the House. Seconded by fifteen members.

Moved by Boorman, duly seconded and carried that further action upon the call of the House be dispensed with.

Upon roll call, the substitute motion of Oker carried by the following vote:

Ayes: Andrew, Andrus, Arnold, Baker, Benedict, Bergstrom, Bernard, Bohling, Bosley, Brandjord, Bray, Bricker, Buchanan, Burke, Caplis, Davis (Fergus), Davis (Wibaux), Denny, Elliott, English, Flynn, Fulsher, Gillin, Gullidge, Hamilton, Hanson, Hawley, Hoffman, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kinville, Leavens, Lemmon, Loble, McLeod, Maury, Murphy, Mushbach, Myrick, Oker, Peden, Rasmussen, Ridle, Rodgers, Roscow, Smethurst, Smith, Stoddard, Taylor, Tierney, Troy, Wold. Total—54.

Noes: Armstrong, Berryman, Boorman, Buttleman, Cady, Carlson (Galatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Dean, Dell, Duffy, Facey,



Goodman, Harris, Holton, Kenyon, Larson (Richland), Larsen (Sheridan), McAfee, McCarty, McCormack, Nelson, O'Connell, Ostby, Perrine, Pilgeram, Pope, Ruffcorn, Sandy, Spencer, Stoner, Strange, Swift, Terrett, Mr. Speaker. Total—37.

Absent and not voting: Buell, Cowley, Gillette, Kennedy, Lease, Scharnikow, Seidensticker, Tawney, Zuck. Total—9.

CALVIN CRUMBAKER, Speaker.

Attest: J. A. SHOEMAKER, Chief Clerk.

## TWENTY-NINTH DAY

House of Representatives,  
January 29, 1923.

House convened pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Upon roll call all members present except: Gillin and Troy, absent; Bergtrom, Cowley, Gillette, Swift and Wold, excused.

The Committee on Journal reported as follows:

"Mr. Speaker:

We, your Committee on Journal, have this day examined the Journal for the 26th Legislative day and found the same correct.

BUCHANAN, Chairman."

Report adopted.

The Committee on Engrossment reported House Bills Nos. 50, 80, 87, 89 and 100 correctly engrossed.

"Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bills Nos. 43, 112, and H. J. M. Nos. 4 and 5, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman."

## COMMUNICATIONS AND PETITIONS

Johnson presented a communication from the Lewistown Chamber of Commerce, which was, upon his motion, duly seconded and carried, referred to Committee on Petroleum, Oil and Gas.

Perrine and Pilgeram requested that their names be removed from the petition relative to the proposal to repeal the state prohibition Acts.

## NOTICES

Authors gave notice that they will on tomorrow or some subsequent date introduce bills as follows:

By Gullidge: "A Bill for an Act entitled: 'An Act to amend Section 443 of the Revised Codes of Montana relative to the allowance of traveling or other expenses of state, county, city, school district, or employees of the state, or any county, or city or any school district.'"

By Gullidge: "A Bill for an Act entitled: 'An Act to amend Section 3348 of the Revised Codes of Montana 1921, relating to licenses to sell meat.'"

By Cady: "A Bill for an Act entitled: 'An Act making it unlawful for any person, company, association or corporation using cyanide of potassium or any other drug, compound or substance poisonous or injurious to human beings, fish or live stock, from emptying or permitting the same to be carried to the waters of any stream, river or lake within the state, and requiring the impounding, damming up and confining such cyanide and other poisonous material in such manner to prevent the same from reaching the waters of any stream, river or lake or other waters containing fish or which may be used for domestic or agricultural purposes, and requiring that such poisonous or injurious material be fenced off from access by live stock; and preserving penalties for the violation of any provision of such Act.'"

By Davis of Wibaux: "A Bill for an Act entitled: 'An Act to amend Section 213 of the Revised Codes of 1921, relating to the failure of county officers to transmit statements to the State Examiner; or the refusal or neglect of any officer to comply with the lawful regulations as prescribed by the State Examiner and providing a penalty therefor'."

By Mushbach: "A Bill for an Act entitled: 'An Act appropriating money to reimburse the heirs of Tony Early for loss of interest on payments made to the State Board of Land Commissioners for the purchase of lands and loss of improvements on said lands, to which the State of Montana was unable to give patent and from which said Tony Early, as such purchaser, was subsequently ejected'."

By Kenyon: "A Bill for an Act entitled: 'An Act to appropriate money out of the State Highway Fund for the payment of claims for labor and services and for material and supplies furnished in the construction of State Highways designated as Federal Aid Projects Number 66 and 101'."

The Committee on Banks and Banking was granted the request, by unanimous consent, to introduce a bill without previous notice.

### REPORTS OF STANDING COMMITTEES

The following reports of standing committees were received:

"Mr. Speaker:

We, your Majority Committee on Fish and Game, having had under consideration, H. B. No. 52, by Bernard: A Bill for an Act entitled: "An Act to establish a game preserve in portions of Powell and Flathead Counties, for the protection of game animals and birds, to be known as the Spotted Bear Game Preserve, and providing penalties for the killing, hunting, trapping and pursuing any game animals or birds in such preserve or the carrying of firearms therein," respectfully report as follows:

That H. B. No. 52 be referred back to the House with recommendation that it do pass.

CADY,  
JOFFRAY,  
BOHLING.  
TIERNEY.  
DAVIS of Wibaux.  
HARRIS.  
STODDARD.  
CARLSON of Gallatin.  
HAWLEY.  
CADY, Chairman."

"Mr. Speaker:

We, your Minority Committee on Fish and Game, having had under consideration, H. B. No. 52, by Bernard, A Bill for an Act Entitled: "An Act to establish a game preserve in portions of Powell and Flathead Counties, for the protection of game animals and birds, to be known as the Spotted Bear Game Preserve, and providing penalties for the killing, hunting, trapping and pursuing any game animals or birds in such preserve or the carrying of firearms therein," respectfully report as follows:

That H. B. No. 52 be referred back to the House with the recommendation that it do not pass.

O'CONNELL,  
BERRYMAN,  
McCORMACK."

Moved by Cady, and duly seconded that the Majority report be adopted.

Moved by Berryman, as a substitute motion, and duly seconded that the Minority report be adopted.

Moved by Goodman, as a substitute motion, duly seconded and carried that House Bill No. 52 be printed and placed on general orders.

## INTRODUCTION OF BILLS AND MEMORIALS

The following Senate bills were introduced, read first and second times by title and history only, and referred to committees as follows:

S. B. No. 9, by Duncan: "A Bill for an Act entitled: 'An Act to amend Section 6036 of the Revised Codes of Montana, 1921, relating to liability of stockholders in state banks and providing means for paying and collecting said liability.'" (Committee on Banks and Banking).

S. B. No. 16, by Oliver: "A Bill for an Act entitled: 'An Act amending Sections 238 and 239 of the Revised Codes of Montana of 1921, relating to certain duties of the State Auditor and the State Board of Examiners concerning the auditing, approval or rejecting of claims filed against the State.'" (Committee on State Boards and Officers).

S. B. No. 31, by Pomeroy: "A Bill for an Act entitled: 'An Act to establish a game preserve in a portion of Lincoln County, for the protection of game animals and birds, to be known as Wolf Creek Game Preserve, and providing penalties for the killing, hunting, trapping and pursuing any game animals or birds in such preserve, or the carrying of firearms therein.'" (Committee on Fish and Game).

S. B. No. 32, by Henderson: "A Bill for an Act entitled: 'An Act providing for the participation of policy holders in the election of directors of corporations organized in this State for the transaction of the business of life insurance upon the stock plan, and repealing any and all Acts or parts of acts in conflict therewith, and providing for this act becoming effective upon its passage and approval.'" (Committee on Insurance.)

The following bills were introduced, read first and second times by title only, and referred to committees as follows:

H. B. No. 138, by Committee on Banks and Banking: "A Bill for an Act entitled: 'An Act revising and codifying the laws relating to the organization of banks and the inspection thereof and repealing Sections 6014, 6015, 6016, 6017, 6018, 6019, 6020, 6021, 6022, 6023, 6024, 6025, 6026, 6027, 6028, 6029, 6030, 6031, 6032, 6033, 6034, 6035, 6036, 6037, 6038, 6039, 6040, 6041, 6042, 6043, 6044, 6045, 6046, 6047, 6048, 6049, 6050, 6051, 6052, 6053, 6054, 6055, 6056, 6057, 6058, 6059, 6060, 6061, 6062, 6063, 6064, 6065, 6066, 6067, 6068, 6069, 6070, 6071, 6072, 6073, 6074, 6075, 6076, 6077, 6078, 6079, 6080, 6081, 6082, 6083, 6084, 6085, 6086, 6087, 6088, 6089, 6090, 6091, 6092, 6093, 6094, 6095, 6096, 6097, 6098, 6099, 6100, 6101, 6102, 6103, 6104, 6105, 6106, 6107, 6108, 6109, and so much of 221 as conflicts with the provisions of this act, of the Montana Code of 1921 and all acts or parts of acts inconsistent herewith.'" (Committee on Banks and Banking).

H. B. No. 139, by Oker: "A Bill for an Act entitled: 'An Act authorizing cities and towns to regulate and license soft drink establishments and pool and billiard halls, and to authorize said cities and towns to limit the number thereof allowed to do business in any given city or town.'" (Committee on Affairs of Cities).

H. B. No. 140, by Tawney and Strange: "A Bill for an Act entitled: 'An Act providing for the registration of all marriages and divorces occurring within the State of Montana with the State Registrar of Vital Statistics, fixing fees for the issuance of marriage licenses and for recording marriage licenses and certificates and decrees of divorce, providing for the necessary forms and blanks; the promulgation of rules and regulations hereunder, making violation of this Act a misdemeanor and providing a penalty therefor and repealing Sections 5713, 5716, 5718 and 5720 of the Revised Codes of 1921 of the State of Montana.'" (Committee on Ways and Means).

H. B. No. 141, by Goodman: "A Bill for an Act entitled: 'An Act to amend Section 3696 of the Revised Codes of the State of Montana of 1921 relating to open season for elk.'" (Committee on Fish and Game).

H. B. No. 142, by Boorman: "A Bill for an Act entitled: 'An Act to amend Section 8291 of the Revised Codes of Montana, 1921, relating to selling or removing mortgaged property to defraud mortgagees.'" (Committee on Judiciary).



H. B. No. 143, by Tawney: "A Bill for an Act entitled: 'An Act imposing a license tax upon every person, corporation, or association, owning or operating a railroad wholly or in part within the State of Montana.'" (Committee on Revenue and Taxation).

H. B. No. 144, by Loble: "A Bill for an Act entitled: 'An Act to submit to the qualified electors of the State of Montana an amendment to Sections 2 of Article V of the Constitution of the State of Montana providing that members of the House of Representatives shall be elected for a term of four years.'" (Committee on Constitutional Amendments).

H. B. No. 145, by Loble: "A Bill for an Act entitled: 'An Act to submit to the qualified electors of the State of Montana an amendment to Section 6 of Article V of the Constitution of the State of Montana, providing for meetings of the Legislative Assembly to be held every four years.'" (Committee on Constitutional Amendments).

### MOTIONS AND RESOLUTIONS

Moved by Gullidge, and duly seconded that House reconsider its action on House Bill No. 34.

Moved by Sandy, duly seconded that the motion of Gullidge be laid upon the table.

Motion to table having failed, question arose on the Gullidge motion, which carried.

Moved by Gullidge, duly seconded and carried that H. B. No. 34 be placed on General Orders.

Moved by Oker, duly seconded and carried that H. B. No. 85 be taken from General Orders and re-referred to the Judiciary Committee.

Upon request of Kenyon, and with unanimous consent, reverted to:

### REPORTS OF STANDING COMMITTEES

The following reports of standing committees were received:

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration H. B. No. 121, by Buttleman and Carlson of Gallatin, entitled: "An Act to amend Section 6236 of the Revised Codes of Montana of 1921 relating to official bonds required of public officers," beg leave to recommend that the same be amended as follows:

In section 1, line 19, strike out the words, "the term officer as used herein," and in lieu thereof, and before the words, "shall not," insert the words, "the provisions of this section, making such premium a charge against the general fund of the state, county, city, town or municipality"

And that as so amended the bill do pass.

COMMITTEE ON JUDICIARY,  
KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration H. B. No. 113, by Tierney, entitled: "An Act to regulate the use of artesian wells, to prevent the waste of water flowing therefrom, and defining "waste" as used for the purpose of this Act and to provide penalties for the violations of this Act," beg leave to recommend that the same be amended as follows:

Amend Section 1, by adding in line 11, after the words, "mining shafts," the words, "or oil and gas wells, or wells drilled or excavated for the purpose of exploring for oil and gas;"

Amend Section 2, by adding in line 17, after the words, "tenant or occupant," the words, "or agent in charge."

That Section 3, be stricken out, and that Section 4, be amended by striking out, after the words "artesian well," the words, "to reach any porous substratum before coming to the earth's surface," and by striking out in Section 4, page 2, line 2, after the words, "under the," the word, "constant," and by

adding in line 11, page 2, the words, "or for any other useful purpose," and that Section 4, be further amended by re-numbering the same as Section 3.

That the Bill be further amended by striking out Sections 5, 6, and 7, and re-numbering Sections 8, 9 and 10 as Sections 4, 5, and 6, respectively, and that as so amended the bill do pass.

On motion of Kenyon, report adopted. COMMITTEE ON JUDICIARY,  
KENYON, Chairman."

"Mr. Speaker :

We, your Committee on Judiciary, having had under consideration H. B. No. 122, by Flynn, entitled: "An Act to amend Section 8867 of the Revised Codes of Montana of 1921 in relation to the powers of District Judges at Chambers," beg leave to recommend that same be amended as follows:

Amend Section 1, by adding after the word "cases," in line 26, the following:

"Provided that such juries must be called and the cause heard and determined in the county in which the cause of action arose, or to which it has been regularly transferred, in the same manner as juries are called and causes heard in civil actions."

And that as so amended it do pass.

On motion of Kenyon, report adopted. COMMITTEE ON JUDICIARY,  
KENYON, Chairman."

"Mr. Speaker :

We, your Committee on Judiciary, having had under consideration H. B. No. 114, by Pope, entitled: "An Act to amend Section 9187 of the Revised Codes of Montana of 1921, relating to amendments of pleadings and judicial proceedings," beg leave to recommend that the same be amended as follows:

Amend Section 1, by striking out in line 1, page 2, the word "procedure," and inserting in lieu thereof, the word, "proceeding," and that as so amended it do pass.

COMMITTEE ON JUDICIARY,  
KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker :

We, your Committee on Judiciary, having had under consideration H. B. No. 132, by Rasmussen, entitled: "An Act prohibiting the recording of a deed, or other instrument, conveying title to real estate against which there are delinquent taxes unpaid," beg leave to recommend that it do not pass for the reason that in the opinion of this committee the Bill is unconstitutional.

COMMITTEE ON JUDICIARY,  
KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker :

We, your Committee on Judiciary, having had under consideration H. B. No. 130, by Bosley, entitled: "An Act authorizing cities and towns to appeal from the police or justice courts to the District Court and from the District Court to the Supreme Court in any criminal action or prosecution in which an ordinance of the city or town is held or adjudged invalid or unconstitutional," beg leave to report same back with the recommendation that it do pass.

COMMITTEE ON JUDICIARY,  
KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker :

We, your Committee on Privileges and Elections having had under consideration H. B. No. 37, introduced by Larsen of Sheridan, a Bill for an Act entitled: "An Act to amend Section 632 of the Revised Codes of Montana of 1921, fixing the date for holding primary election," respectfully report as follows:

That H. B. No. 37 do pass.

RUFFCORN, Chairman."

On motion of Ruffcorn, report adopted.

## MOTIONS AND RESOLUTIONS

Adoption of the Caplis resolution, relative to proposed investigation of the price of coal, having been moved by Caplis and duly seconded, Caplis offered the following amendment:

"First. Amend time in which committee has to report to February 20th, instead of February 10th.

Second. The Committee as appointed shall also inquire into the feasibility of the proposition that the State of Montana purchase and operate or lease and operate a coal mine within the State, primarily to furnish coal for all State Institutions surplus production to be offered for sale to County, City and School Governments of the State. They to give preference upon competitive basis to the State mined and owned coal."

Moved by Caplis, duly seconded and carried that the amendment be adopted.

Gullidge offered the following amendment:

"I move to amend Caplis resolution by adding: Provided however that not more than \$500 or so much thereof as may be necessary be expended from the incidental expenses of the 18th Legislative Assembly for this investigation."

Moved by Gullidge, duly seconded and carried that the amendment be adopted.

The question arising upon the adoption of the resolution, the motion to adopt duly carried.

Moved by Gullidge, duly seconded and carried that S. B. No. 11 be taken off General Orders and re-referred to the Committee on Education.

Upon request of Bernard, and with unanimous consent, reverted to:

## NOTICES

Authors gave notice that they will on tomorrow or some subsequent date introduce bills as follows:

By Bernard and Cady: "A Bill for an Act entitled: 'An Act to amend Section 2798 of the Revised Codes of Montana, 1921, relating to transportation of explosives'."

By Brandjord: "A Bill for an Act entitled: 'An Act establishing and locating an agricultural experiment sub-station in Missoula County, Montana, to be known as the Mission Valley Sub-station'."

By Goodman: "A Bill for an Act entitled: 'An Act to amend Section 11239 of the Revised Codes of Montana of 1921 relating to the sale or disposal of opium and other narcotics'."

By Goodman: "A Bill for an Act entitled: 'An Act to repeal Sections 2540, 2541 and 2542 of the Revised Codes of Montana of 1921, relating to State Epidemiologist'."

Upon request of McCormack, and with unanimous consent, reverted to:

## INTRODUCTION OF BILLS AND MEMORIALS

The following bill was introduced, read first and second times by title only and referred to Committee as follows:

H. B. No. 146, by McCormack: "A Bill for an Act entitled: 'An Act to authorize the State Treasurer to transfer certain funds'." (Committee on Appropriations).

## THIRD READING OF SENATE BILLS

S. J. M. No. 1, by Rhoads, having been read three several times and title and history agreed to, was concurred in without dissenting vote:

Smethurst was excused for the remainder of the day.

## THIRD READING OF HOUSE BILLS

H. B. No. 57, by Cowley, having been read three several times and title and history agreed to, was passed by the following vote:



Ayes: Andrew, Arnold, Baker, Benedict, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Buell, Buttleman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Goodman, Gullidge, Hamilton, Hanson, Harris, Hoffman, Holton, Joffray, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Peden, Ostby, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Ruffcorn, Sandy, Scharnikow, Smith, Stoddard, Stoner, Strange, Taylor, Tawney, Terrett, Zuck, Roscow, Mr. Speaker. Total—81.

Noes: Armstrong, Burke, Davis (Fergus). Total—3.

Absent and not voting: Andrus, Bergstrom, Cowley, Davis (Wibaux), Fulsher, Gillette, Gillin, Hawley, Johnson, Seidensticker, Smethurst, Spencer, Swift, Tierney, Troy, Wold. Total—16.

Moved by Maury, duly seconded and carried that H. B. No. 72 be referred to the Judiciary Committee.

H. B. No. 50, by Rodgers, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Baker, Bernard, Berryman, Buchanan, Buell, Burke, Buttleman, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Davis (Fergus), Dell, Denny, Duffy, English, Facey, Gullidge, Hamilton, Harris, Hawley, Hoffman, Holton, Joffray, Kelly (Pondera), Kelly (Silver Bow), Kinville, Larsen (Sheridan), Lemmon, McAfee, McCarty, Maury, Murphy, Nelson, O'Connell, Oker, Pope, Ridle, Rodgers, Roscow, Scharnikow, Smith, Spencer, Stoddard, Stoner, Taylor, Tawney, Mr. Speaker. Total—51.

Noes: Arnold, Benedict, Boorman, Bosley, Brandjord, Bricker, Cady, Clarke, Cronk, Dean, Elliott, Flynn, Goodman, Hanson, Kennedy, Kenyon, Larson (Richland), Lease, Leavens, McCormack, McLeod, Mushbach, Myrick, Ostby, Peden, Perrine, Pilgeram, Rasmussen, Ruffcorn, Sandy, Terrett, Tierney, Zuck. Total—33.

Absent and not voting: Bergstrom, Bohling, Bray, Cowley, Davis (Wibaux), Fulsher, Gillette, Gillin, Johnson, Loble, (excused), Seidensticker, Smethurst, Strange, Swift, Troy, Wold. Total. 16.

Moved by Gullidge, duly seconded and carried that the House recess until 2:00 P. M.

#### AFTERNOON SESSION

House resumed at 2:00 P. M.

Mr. Speaker in the chair.

Speaker named the following as members of the Committee on Public Safety and General Welfare:

PEDEN, Chairman,  
FLYNN,  
HARRIS,  
LARSEN of Sheridan,  
McCORMACK,  
CAVANAUGH,  
ELLIOTT,  
O'CONNELL,  
DAVIS of Fergus.

#### THIRD READING OF HOUSE BILLS

H. B. No. 80, by Zuck, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrus, Arnold, Benedict, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Buttleman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Davis (Fergus), Davis (Wibaux), Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Gillin, Goodman, Gullidge, Hamilton, Hanson, Hawley, Hoffman, Holton, Joffray, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod,

Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Sandy, Scharnikow, Seidensticker, Smith, Stoddard, Stoner, Strange, Taylor, Tawney, Terrett, Tierney, Zuck, Mr. Speaker. Total—79.

Noes: Armstrong, Burke, Harris. Total—3.

Absent and not voting: Andrew, Baker, Bergstrom, Buell, Cowley, Cronk, Dean, Fulsher, Gillette, Johnson, Kenyon, Perrine, Ruffcorn, Smethurst, Spencer, Swift, Troy, Wold. Total—18.

H. B. No. 87, by Bosley, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Baker, Benedict, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Burke, Cady, Caplis, Carlson (McCone), Cavanaugh, Clarke, Davis (Fergus), Davis (Wibaux), Dean, Dell, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gullidge, Hamilton, Hanson, Hawley, Hoffman, Holton, Joffray, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Rasmussen, Ridle, Rodgers, Ruffcorn, Sandy, Scharnikow, Seidensticker, Spencer, Stoddard, Taylor, Tierney, Zuck, Mr. Speaker. Total—73.

Noes: Arnold, Buttleman, Carlson (Gallatin), Goodman, Harris, Larson (Richland), Nelson, Pope, Roscow, Smith, Stoner, Strange, Tawney, Terrett. Total—14.

Absent and not voting: Bergstrom, Buell, Cowley, Cronk, Denny, Gillette, Gillin, Johnson, McAfee, Smethurst, Swift, Troy, Wold. Total—13.

Upon request of Lease, and with unanimous consent, House Bill No. 89 was amended by inserting a new section numbered 3, as follows:

"Section 3. Nothing herein contained shall be construed to prohibit or limit the prosecution or trial in the District Court of persons who shall be guilty of acts forbidden by such ordinances, it being the intent of this Act that the jurisdiction hereby conferred shall be concurrent and not exclusive or in derogation of the jurisdiction conferred by law upon the District Court."

Also by renumbering Section 3 to be Section 4.

H. B. No. 89, by Oker, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Burke, Buttleman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smith, Spencer, Stoddard, Stoner, Strange, Taylor, Tawney, Terrett, Tierney, Zuck, Mr. Speaker. Total—89.

Noes: None.

Absent and not voting: Bergstrom, Buell, Cowley, Cronk, Gillette, Gillin, Johnson, Smethurst, Swift, Troy, Wold. Total—11.

Moved by Carlson of Gallatin, duly seconded and carried that H. B. No. 100 be re-referred to the Committee on Judiciary.

#### CONSIDERATION OF GENERAL ORDERS

Moved by Gullidge, duly seconded and carried that the House resolve itself into a Committee of the Whole.

Loble in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole, having had under consideration bills on General Orders, respectfully report back with the recommendation that: H. B. No. 16, be deferred at this time.

H. B. No. 27, be amended as follows: By inserting in line 11 of Section 11 of Article 21 of the printed bill, between the word "object" and the word "not" the following: "Of a public nature."

By adding to Section 15 of Article 21 of the printed bill, after the word "thereof" in line 123, the following: "All contributions without a specified purpose shall be credited to the State Permanent School Fund."

Also Section 2 by inserting after the word "event," in line 24, the words: "but such contingent event shall not be more remote than permitted by the laws affecting perpetuities."

Also Section 2 by striking out in line 11 and 12 of the printed bill the words "and for the benefit of any other worthy cause or object not inconsistent with the Constitution of this State or the Constitution of the United States."

And when so amended, do pass.

H. B. No. 35, be amended as follows:

Section 1 by striking out in line 13 the word "Montana" and inserting in lieu thereof a blank line.

Also Section 1 by striking out in line 19, "Post Office address to which ballot is to be mailed" and inserting the same under blank line for signature in line 12.

Also Section 1 by striking out in line 21 the words "Notary Public for the State of."

Also Section 2 by striking out in line 6 the word "are" and inserting in lieu thereof the words "appear to be."

And when so amended do pass.

LOBLE, Chairman."

Moved by Loble, duly seconded that the report be adopted.

Moved by Boorman, duly seconded and carried that H. B. No. 35 be segregated from the report of the Committee of the Whole.

Loble's motion to adopt the report carried with respect to bills therein except H. B. No. 35.

Moved by Boorman, duly seconded and carried that H. B. No. 35 be placed at the head of list on General Orders.

Upon request of Facey, and with unanimous consent, reverted to:

#### REPORTS OF STANDING COMMITTEES

The following reports of standing committees were received:

"Mr. Speaker:

We, your Committee on Public Morals, having had under consideration H. B. No. 67, introduced by McCarty and Hamilton, a Bill for an Act entitled: "An Act prescribing the penalty on first and subsequent offenses for unlawfully giving away, selling or disposing of moonshine or other intoxicating liquor to a minor, and prescribing the penalty for the first and subsequent offenses for unlawfully giving away, selling, disposing of or possessing moonshine or other intoxicating liquors within one thousand feet of a dance hall or place of public amusement, entertainment or gathering," respectfully report as follows:

That H. B. No. 67 be amended by striking out of the title "Moonshine or other" and by striking out all the words after "Minor" beginning with the words "and Prescribing" of this title also by striking out in line 11, Section 1, the words "Moonshine or" also, by striking out all of "Section 2."

And recommend that the Bill do pass as amended.

FACEY, Chairman."

On motion of Facey, report adopted.

"Mr. Speaker:

We, your Committee on Public Morals, having had under consideration H. B. No. 106, by Public Morals Committee, a Bill for an Act entitled: "An



Act prohibiting intoxication and providing a penalty therefor," respectfully report as follows:

That H. B. No. 106 be amended as follows:

By striking out in line 11, Section 1, the word "or" and inserting in lieu thereof the word "and" and by striking out in line 12, Section 1 "more than five days nor" and by putting a period after the word "days" in line 12 and by striking out the remainder of that sentence.

And recommend that the Bill do pass as amended.

FACEY, Chairman."

On motion of Facey, report adopted.

Upon request of Leavens, and with unanimous consent, reverted to:

### INTRODUCTION OF BILLS AND MEMORIALS

Upon request of Leavens, and with unanimous consent, the Committee on Livestock and Public Ranges was permitted to introduce four bills without notice.

The following bills were introduced, read first and second times by title only, and referred to Committees as follows:

H. B. No. 147, by Committee on Agriculture: "A Bill for an Act entitled: 'An Act to amend Sections 3574, 3575, 3579, 3588 and 3589 of the Revised Codes of Montana of 1921, relating to public grain warehouses, the regulation of their charges, defining the rights of owners of grain stored in public warehouses, and to amend Chapter 254 of the Revised Codes of Montana of 1921, by adding thereto two new sections to be known as Sections 3588 (a) and 3588 (b) forbidding the sale of stored grain and defining storage of grain as a bailment, and one new section to be known as 3589 (a) providing protection for holders of warehouse receipts in case of insolvency.'" (Committee on Agriculture).

H. B. No. 148, by Committee on Livestock and Public Ranges: "A Bill for an Act entitled: 'An Act to amend Section 3341 of the Revised Codes of 1921, relating to the shipment of cattle and the duties of the shipper and the railroad.'" (Committee on Livestock and Public Ranges).

H. B. No. 149, by Committee on Livestock and Public Ranges: "A Bill for an Act entitled: 'An Act to define wild animals and to provide for their destruction, authorizing co-operation between the Livestock Commission and the Biological Survey of the United States Department of Agriculture, providing for the disposition of the furs, skins and specimens from animals destroyed, authorizing the Tax Commission of the Department of State whose duty it is to fix tax levies annually to prescribe a levy against livestock, providing for the powers and duties of the Livestock Commission relative to the provisions of this Act, and repealing Sections 3407, 3408, 3409, 3410, 3411, 3412, 3413, 3415, 3416, and 3417 of the Revised Codes of the State of Montana, 1921, and amending Section 2081 of the Revised Codes of the State of Montana, 1921, relative thereto.'" (Committee on Livestock and Public Ranges).

H. B. No. 150, by Committee on Livestock and Public Ranges: "A Bill for an Act entitled: 'An Act to transfer the balance in the "H. L. Hart, Trustee, Langhorn House Account" Fund to the "Livestock Commission Fund" for the use of the Livestock Commission.'" (Committee on Livestock and Public Ranges).

H. B. No. 151, by Committee on Livestock and Public Ranges: "A Bill for an Act entitled: 'An Act to amend Section 3324 of the Revised Codes of Montana of 1921 relating to the inspection of livestock about to be moved from one county to another within the State, and defining the powers of the Livestock Commission in reference thereto.'" (Committee on Livestock and Public Ranges).

Upon request of Berryman, and with unanimous consent, reverted to:

## NOTICES

Authors gave notice that they will on tomorrow or some subsequent date introduce bills as follows:

By Zuck: "A Bill for an Act entitled: 'An Act to amend Section 4751 of the Revised Codes of Montana of 1921, relating to the receipt of money by County Treasurer'."

By Berryman, McCormack, Larsen of Sheridan, Stoner, Carlson of McCone, Facey, Tierney, Benedict, Duffy, Hoffman, Bosley, Caplis, Cavanaugh and Zuck: "A Bill for an Act entitled: 'An Act providing for the security of deposits in the banks organized or existing under the laws of Montana, creating the Bank Depositors' Guarantee Fund of Montana, and providing regulations therefor, and penalties for violation thereof, and to be known as the "Bank Depositors' Guarantee Law".'"

By Committee on Public Morals: "A Bill for an Act entitled: 'An Act to provide for the regulation and licensing of dance halls, the regulation of dancing and the penalties for the violation of the provisions thereof'."

By Bernard and Cady: "A Bill for an Act entitled: 'An Act to provide for regulating in certain respects the conduct, behavior, operation and equipment of vehicles using the public streets, roads and highways of this State and restricting and prohibiting the use thereof for certain purposes, etc'."

Gullidge gave notice that on tomorrow he would make a motion that reading of bills on third reading for that day be dispensed with.

Moved by Gullidge, duly seconded and carried that the House adjourn until Tuesday, January 30th, at 10:30 A. M.

CALVIN CRUMBAKER, Speaker.

Attest: J. A. SHOEMAKER, Chief Clerk.

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THIRTIETH DAY

House of Representatives,

January 30, 1923.

House resumed pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the chair.

Prayer by the chaplain.

Upon roll call all members were present except: Cowley, Gillette and Gillin excused.

The Committee on Journal reported as follows:

"Mr. Speaker:

We, your Committee on Journal, have this day examined the Journal for the 29th Legislative day and found the same correct.

BUCHANAN, Chairman."

Report adopted.

Mr. Speaker gave notice that he was about to sign S. B. No. 7 and S. C. R. No. 1. and thereupon signed the same.

The Speaker named the following as members of the Special Committee for the investigation of coal prices:

HARRIS, Chairman,  
HOFFMAN,  
ZUCK,  
BERRYMAN,  
CAPLIS,  
SMETHURST.  
CARLSON of Gallatin.

COMMUNICATIONS AND PETITIONS.  
COMMUNICATIONS FROM THE SENATE

"January 29, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following partial report of the special committee to investigate state offices and state executive departments was submitted:

Mr. President: We, your special committee, appointed for the purpose of investigating state officers and state executive departments beg leave to submit the following partial report with reference to the office of Adjutant General of the State of Montana.

We find that this office will cost the state for the past fiscal year and the present fiscal year approximately Fifteen Thousand (\$15,000.00) Dollars per year, that in addition to this sum the government of the United States is setting aside around Fifty (\$50,000.00) Thousand Dollars annually for the purpose of paying expenses and wages of the National Guard and the expenses of their training. This is presented to the state free of charge.

At the present there are about six hundred (600) men in the Montana National Guard. It is the hope of the Adjutant General to increase this to nearly double the present number allowing for possible failure to muster in that many men in the National Guard and assuming that the State of Montana would have one thousand (1000) men in its National Guard for the next two fiscal years this committee believes that the sum of Twenty Thousand (\$20,000.00) Dollars for each year appropriated for that department should be sufficient to cover all existing necessities including the salary of the Adjutant and his stenographer; also taking care of the State Armory and also for National Guard maintenance.

An investigation of the budget will show that for the next biennium the sum of Sixty Thousand Five Hundred Fifty Five (\$60,555.00) Dollars is being asked of this Legislature. This committee believes that Forty Thousand (\$40,000.00) will cover all possible needs.

Respectfully,

PAUL, Chairman.

Mr. President: We, your special investigating committee, appointed to investigate state officers and state executive departments, beg leave to submit a partial report concerning the office of State Engineer.

We find that for the fiscal year ending June 30, 1922, there was appropriated for this office the sum of \$13,852.50; that in addition to this there was received \$3,097.50 from the Carey Land Act fund. This appropriation goes mainly toward the payment of salaries and traveling expenses of the State Engineer and his assistant.

Under the laws of this state, the State Engineer has some duties concerning irrigation districts and certain work with reference to the Carey Land Board which must be fulfilled; likewise under the law the Montana Irrigation Commission also has certain duties, each department maintaining a corps of Engineers whose work it seems to your committee is more or less of a duplication and an unnecessary expense. This however, is the fault of the Legislature. Under present existing conditions, both the Montana Irrigation Commission and the State Engineer are functioning in irrigation districts of the state and we believe that owing to the present situation it would be unwise to abolish either just at this time. We believe however, that a step should be taken by this Legislature toward the appointment of a commission for the drafting of irrigation laws suitable for the needs of the State of Montana and that the same be placed under the administration of one head with one set of Engineers to do the work. This will be a saving and a great step toward efficiency.

Under the present law it is costing the State of Montana nearly \$8,200.00 a year for the measurement of streams under the office of the State Engineer. This work is also being done by the U. S. Geological Department and it strikes your committee that this work could be handled by the State of Montana in another way and save the sum of \$8,200.00 each year. The engineers working under the Montana Irrigation Commission have plenty of time to do



this work in addition to their other duties without extra expense to the State, and we believe that they should be required to do it under the law; especially so in our opinion when the saving of \$8,200.00 a year can be accomplished.

Therefore, we, recommend that the duties with reference to the measurement of waters of the streams of Montana be placed under the supervision of the Montana Irrigation Commission without any additional help and without extra expense of the state, and that the Finance and Claims Committee of the Senate be requested to make no appropriation for this work for the ensuing biennium, and that the law be changed to place the duties of this work with the Montana Irrigation Commission.

Respectfully,

PAUL, Chairman.

J. F. CONE, Secretary of the Senate."

Moved by Boorman, duly seconded and carried that the following Senate Communications be considered read at length:

"January 29, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following notices were this day presented and read:

By Loy: "An Act to repeal Sections 3469, 3470, 3471 and 3477 Chapter 252 Revised Codes of Montana, 1921, known as the "Coal Mining Code."

By Siegfriedt: "An Act to prevent the Employment of Persons suffering from Tuberculosis and other infectious, contagious and communicable diseases in the kitchen or dining room of any hotel, restaurant, lunch counter, bakery or other places where foods are sold to the public, and providing for the examination by the Health Officer for such persons."

By Healy: "An Act to amend Sections 3859 and 3875 of the Revised Codes of Montana, 1921, relating to the inspection of water craft, appointment of inspections and their compensations, and inspection and license fees."

By Committee on Military Affairs: "An Act to amend Sections Number 1529-1531-1532-1533 and 1534 of the Revised Codes of Montana, 1921, pertaining to the management and maintenance of the Montana Soldiers' Home; the appointment of the board of managers thereof, and the appointment and election of officers thereof."

By Duncan: "An Act to amend Section 4811 of the Revised Codes of Montana, 1921, relating to the duties of county clerks."

By Greenup: "An Act amending Section 1211 of the Revised Codes of Montana of 1921, relating to the distribution of oil royalties paid to the State of Montana by the United States of America."

By Dearborn: "An Act regulating the leasing and renewal of leases on state lands for the development of oil and gas."

## NOTICES

By Porter: "An emergency Act authorizing the Board of School Trustees of any school district, having all or any part of its funds deposited in any bank, which has become insolvent, to issue warrants for the necessary current expenses of the school to the amount of not to exceed one hundred per centum of such funds so deposited; to fund such warrants by the issuance of bonds under certain conditions described herein; providing for the payment of the principal and interest of such bonds and for the levying of a tax therefor; and declaring this Act to be an emergency measure."

By Porter: "An Emergency Act authorizing the Board of Trustees of any county high school having all or any part of its funds deposited in any bank, which has become insolvent, to issue warrants for the necessary current expenses of the said county high school to the amount of not to exceed one hundred per centum of such funds so deposited; authorizing the Board of County Commissioners to refund such warrants by the issuance of bonds under certain conditions described herein; providing for the payment of the principal and interest of such bonds and for the levying of the tax therefor; and declaring this Act to be an emergency measure."

By Hazelbaker: "An Act relating to Irrigation Districts, amending and re-enacting Sections 7166, 7171, 7173, 7174, 7177, 7184, 7210, 7212, 7214, 7215, 7220, 7224, 7226, 7227, 7228, 7229, 7230, 7234, 7235, 7236 and 7240 of the Revised Codes of Montana of 1921, relating to and making regulations for the establishment, organization and government of Irrigation Districts, the status, powers, duties, organization and place of meeting of the Board of Commissioners thereof, vacancies in such Board, the salary and compensation of such commissioners, the qualification and designation of electors, the authorization, issuance, confirmation, negotiation and disposition of bonds of such districts, the refunding, redemption and payment of bonds and warrants of such districts, the lien of such refunding bonds and of taxes and assessments levied to pay the same, the levy, adjustment and collection of taxes and assessments, and the apportionment of such taxes and assessments, and the lien thereof, on the irrigable area of such Districts, and providing for the extent of the lien of such taxes and assessments, and relating to and making regulations for the expenses of the State Irrigation District Bond Commission and the expenditures by Irrigation Districts of funds derived from bonds certified by such Commission; and enacting three new sections to be designated Sections 7235A, 7235B and 7235C of said Revised Codes of Montana of 1921, relating to and making regulations for the determination of the irrigable area of such districts, and providing for the extent of liens on taxes and assessments levied upon the same."

By Pauline: "An Act making it an offense for any person to make or ferment any mash, wort or wash fit for distillation, or to manufacture moonshine, malt, wine, distilled spirits or other alcoholic liquor, who is not authorized so to do, and making it an offense to have possession of any still or substitute therefor without registering the same with the proper United States officer, and declaring the same and all mash, wort, wash, and other materials and products used in the operation of such stills, or produced thereby, contraband and subject to seizure and declaring the possession thereof unlawful, and prescribing certain duties and powers of the officers charged with the enforcement of the law, and providing for the burden of proof of possession of a permit, and what constitutes a prima facie case against certain persons and for the reception in evidence of the certificate of the Collector of Internal Revenue, and prescribing a penalty for violating the provisions of the Act on first and subsequent offenses."

By Taylor: "Move to amend Rule XIV to include all Bills, memorials and resolutions ordered printed, also to amend Rule XXVII by providing that a vote of one-third of the members voting shall be sufficient to order a reconsideration of a lost motion to print a Bill, Memorial or Resolution."

J. F. CONE, Secretary of the Senate."

"Helena, Montana, January 29, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Standing Committees report as follows:

H. B. No. 6, by Kenyon, recommend that same be concurred in.

H. B. No. 44, by Perrine, recommend that same be amended as follows:

Amend Section 1, line 7, of the original bill, by striking out the words "for the county" and inserting in lieu thereof the following:

"Upon streets, roads and bridges within the county" and also by striking out the remaining lines of Section 1, and recommend that same be concurred in.

House Substitute for House Bill No. 5, introduced by the Committee on Taxation.

Amend Section 10, line 14, after the word "thereon", by inserting the sentence "provided however that if the change affects one or more classes of property, common to more than one county, the Board shall fix the time and place of hearing, so as to accommodate the counties interested."

Respectfully,

J. F. CONE, Secretary of the Senate."

"January 29, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Substitute Senate Bill was introduced as a substitute for Senate Bills No. 1 and No. 19, by the Committee on Taxation.

"An Act to fix the time and method of collecting taxes and interest thereon; amending Sections 2169, 2171, 2174, 2176, 2180, 2181 and 2182 of the Revised Codes of Montana of 1921, and repealing Sections 2175, 2177, 2183 and 2188 of the Revised Codes of Montana of 1921, all relating to the collection of taxes."

J. F. CONE, Secretary of the Senate."

"Helena, Montana, January 29, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bills were this day considered in the Committee of the Whole, and recommended as follows:

Senate Bill No. 38, amending by striking out the words "from among his deputies now provided by law," and as so amended do pass.

S. B. No. 26, and recommend that consideration of same be passed.

S. B. No. 34, and recommend that the enacting clause be stricken out.

S. B. No. 4, and recommend that same do pass.

S. B. No. 39, and recommend that same do pass.

Report adopted.

J. F. CONE, Secretary of the Senate."

"January 29, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were this day introduced, read first and second time and referred to the following committees:

Senate Bill No. 71, by Siegfriedt: "An Act to amend Sections 3155, 3156, 3157, 3158, 3159, 3161, 3162, 3165, 3166, 3167, and 3169 of the Revised Codes of the State of Montana of 1921, relating to the regulation of the practice of optometry and to prevent ignorant, unprofessional or incompetent persons from practicing same." Referred to Committee on Sanitary Affairs.

Senate Bill No. 72, by Committee on Stockgrowing and Grazing: "An Act to define wild animals and to provide for their destruction, authorizing co-operation between the Livestock Commission and the Biological Survey of the United States Department of Agriculture, providing for the disposition of furs, skins, and specimens from animals destroyed, authorizing the Tax Commission or the Department of State whose duty it is to fix levies annually to prescribe a levy against livestock, providing for the powers and duties of the Livestock Commission relative to the provisions of this Act, and repealing Sections 3407, 3408, 3409, 3410, 3411, 3412, 3413, 3415, 3416 and 3417 of the Revised Codes of the State of Montana, 1921, and amending Section 2081 of the Revised Codes of the State of Montana 1921, relating thereto." Referred to the Committee on Stockgrowing and Grazing.

Senate Bill No. 73, by Committee on Stockgrowing and Grazing: "An Act to transfer the balance in the 'H. L. Hart, Trustee, Langhorn House Account' Fund to the 'Livestock Commission Fund' for the use of the Livestock Commission." Referred to the Committee on Stockgrowing and Grazing.

Senate Bill No. 74, by Committee on Stockgrowing and Grazing: "An Act to amend Section 3324 of the Revised Codes of Montana of 1921, relating to the inspection of livestock about to be moved from one county to another within the state, and defining the powers of the Livestock Commission in reference thereto." Referred to the Committee on Stockgrowing and Grazing.

Senate Bill No. 75, by Rhoads: "An Act amending Section 2002 of the Revised Codes of Montana of 1921, relating to the assessment of real estate and providing for the assessment thereof to be made every alternate year beginning with the year A. D. 1923." Referred to the Committee on Taxation.



Senate Bill No. 76, by Paul, Dowlin and Clark: "An Act describing the duties of the Montana Irrigation Commission with reference to the measurement and calculation of the ordinary and flood discharge of streams in the State of Montana and requiring them to become conversant with the waterways of the State and the needs of the State as to irrigation matters and requiring said Montana Irrigation Commission to co-operate in this work as much as possible with the United States Geological Survey and the Montana Experiment Station and repealing sub-section Three (3) of Section 1995 of the Revised Codes of Montana of 1921." Referred to the Committee on Irrigation and Water Rights.

Senate Bill No. 77, by Oliver: "An Act providing for the payment of filing fees and attorney's fees in an action for the foreclosure of Threshermen's Liens, and repealing all Acts and parts of Acts in conflict herewith." Referred to the Judiciary Committee.

Senate Bill No. 78, by Oliver: "An Act amending Section 8370 of the Revised Codes of Montana of 1921, relating to the time in which actions for foreclosure of Threshermen's Liens may be commenced." Referred to Judiciary Committee.

Senate Joint Substitute Memorial No. 4, by Loy: "A Memorial to the Congress of the United States to enact such legislation as will remove cause for farmers receiving inadequate prices for farm products, and to better their economic conditions." Referred to Committee on Agriculture.

J. F. CONE, Secretary of the Senate."

#### NOTICES

Authors gave notice that they will on tomorrow or some subsequent date introduce bills as follows:

By Buell: "A Bill for an Act entitled: 'An Act to authorize the Livestock Commission to expend moneys collected.'"

By Smethurst: "A Bill for an Act entitled: 'An Act amending Sections 3460, Paragraph A 3472, 3513, 3515 of the Revised Codes of the State of Montana of 1921, relating to the examination, appointment, duties, qualifications and requirements of mine foreman and their assistants.'"

By Boorman and Pope: "A Bill for an Act entitled: 'An Act amending Sections 11052, 11071, 11075, 11079, and 11084, and repealing Sections 11053, 11072, 11095, 11096, 11097, 11098, 11099 and 11104, of the Revised Codes of Montana of 1921, relating to governing manufacture, sale and use of intoxicating liquors.'"

By Zuck, Davis of Wibaux, Tierney, Dean, Berryman, Maury, O'Connell, Hamilton and McCarty: "A Bill for an Act entitled: 'An Act to provide for the filing and listing of school text books by publishers, and selections from such list by Boards of School Trustees and Boards of Education, and the purchase of such books selected with school funds at said filed prices'."

By Tawney, Strange, Pope, Brandjord, Elliott and Nelson: "A Bill for an Act entitled: 'An Act to provide county assistance for the shooting, poisoning and trapping of rodents in control districts established by the State Board of Entomology for the control of Rocky Mountain Spotted Fever; providing for the appointment of persons and purchase of material therefor; providing for the payment of the expense and authorizing the levy of a tax therefor; and defining the term "rodents."'"

#### REPORTS OF STANDING COMMITTEES

The following reports of standing committees were received:  
"Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bill No. 33, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman."

"Mr. Speaker:

We, your Committee on Education having had under consideration H. B. No. 96, by Tierney: A Bill for an Act entitled: "An Act to empower Trustees in school districts in which no high school is maintained, or in which a full four year high school course is not maintained, to send pupils to the Free County High School or the high school of another district participating in the County High School Tax Levy," respectfully report as follows:

That H. B. No. 96 do pass.

GULLIDGE, Chairman."

On motion of Gullidge, report adopted.

"Mr. Speaker:

We, your Committee on Affairs of Cities having had under consideration, H. B. No. 95, by Leavens, a Bill for an Act entitled: "An Act to provide for the establishment within municipalities of the districts or zones within which the use of property, height of improvements and required open spaces for light and ventilation of such buildings, may be regulated by ordinance," respectfully report as follows:

That H. B. No. 95 be amended as follows:

Sec. 1. After word "limited" amend by adding the words:

"Provided, however, that the creation of such district or the division of cities into districts, shall not in any way interfere with existing mining operations, or mining operations which may be proper or convenient in the future development of the underground mineral resources located within the corporate limits of any town or city."

Sec. 2: By inserting to first of the Sec.:

"Subject to the limitation set forth in Section 1 hereof."

And when so amended do pass.

On motion of Lease, report adopted.

LEASE, Chairman."

"Mr. Speaker:

We, your Committee on Affairs of Cities, having had under consideration H. B. No. 124, by Scharnikow, a Bill for an Act entitled: "An Act to provide that city and town councils shall have power to license and regulate all industries, pursuits, professions and occupations for certain purposes, and to impose penalties, for failures to comply with such license and regulatory requirements," respectfully report as follows:

That H. B. No. 124 be amended as follows:

Amend the title by striking out the words: "Pursuits, professions" and insert in lieu thereof the word "businesses."

Amend Sec. 1 by striking out the words "pursuits, professions" and insert in lieu thereof the word "businesses."

And when so amended do pass.

On motion of Lease, report adopted.

LEASE, Chairman."

"Mr. Speaker:

We, your Committee on Affairs of Cities, having had under consideration, H. B. No. 97, by Leavens, A Bill for an Act entitled: "An Act to provide for the establishment, government and maintenance of City Planning Commissions within municipalities, and prescribing their powers and duties," respectfully report as follows:

That H. B. No. 97 do pass.

LEASE, Chairman."

On motion of Lease, report adopted.

"Mr. Speaker:

We, your Committee on Affairs of Cities, having had under consideration H. B. No. 139, by Oker, a Bill for an Act entitled: "An Act authorizing cities and towns to regulate and license soft drink establishments and pool and billiard halls, and to authorize said cities and towns to limit the number thereof allowed to do business in any given city or town," respectfully report as follows:

That H. B. No. 139 be referred to the Judiciary Committee.

LEASE, Chairman."

On motion of Lease, report adopted.

"Mr. Speaker:

We, your Committee on Agriculture, having had under consideration H. B. No. 127, by the Committee on Agriculture, and being a Bill for an Act entitled: "An Act to create a State Board of Hail Insurance, defining the duties and powers of said Board and public officers in connection therewith; providing for the levy and collection of taxes on all lands subject to injury or destruction by hail of all taxpayers who may elect to become subject to the provisions of this Act; providing for crop liens in certain instances where the applicant is not the owner of land; providing for hail insurance fund; providing for the appointment of appraisers, the appraisal and adjustment of losses and the settlement therefore; providing for the foreclosure of liens; providing for the exemption of benefits from execution and attachment; and amending Sections 350, 351, 352, 354, 355, 358, 360, 361 and 363, Revised Codes of 1921, and repealing all Acts and parts of Acts in conflict herewith," beg leave to report the said Bill back to the House with the recommendation that it do pass.

HANSON, Chairman."

On motion of McCormack, report adopted.

### INTRODUCTION OF BILLS AND MEMORIALS.

The following bills were introduced, read first and second times by title only, and referred to Committees as follows:

H. B. No. 152, by Goodman: "A Bill for an Act entitled: 'An Act to repeal Sections 2540, 2541 and 2542 of the Revised Codes of Montana of 1921, relating to State Epidemiologist.'" (Committee on Public Health).

H. B. No. 153, by Loblé: "A Bill for an Act entitled: 'An Act to amend Section 2917 of Chapter 213 Revised Codes of Montana 1921, known as the 'Workmen's Compensation Act' relating to the medical, surgical and hospital services to be furnished in case of injury.'" (Committee on Workmen's Compensation).

H. B. No. 154, by Fulsher: "A Bill for an Act entitled: 'An Act to establish a game preserve in a portion of Mineral County, for the protection of game animals and birds, to be known as Little St. Joe Game Preserve, and providing penalties for the killing, hunting, trapping, and pursuing any game animals or birds in such preserve, or the carrying of fire arms therein.'" (Committee on Fish and Game).

H. B. No. 155, by Zuck: "A Bill for an Act entitled: 'An Act to amend Section 4751 of the Revised Codes of Montana of 1921, relating to the receipt for money by the County Treasurer.'" (Committee on Townships and Counties).

H. B. No. 156, by Gullidge: "A Bill for an Act entitled: "An Act to amend Section 3348 of the Revised Codes of Montana of 1921, relating to licenses to sell meat.'" (Committee on Livestock and Public Ranges).

H. B. No. 157, introduced by Kenyon, was read first and second times, and referred to the Committee on Appropriations:

H. B. No. 157, by Kenyon: "A Bill for an Act entitled: 'An Act to appropriate money out of the State Highway Fund for the payment of claims for labor and services and for material and supplies furnished in the construction of State Highways designated as Federal Aid Projects Numbers 66 and 101.'" (Committee on Appropriations).

H. B. No. 158, by Bernard and Cady: "A Bill for an Act entitled: 'An Act to amend Section 2798 of the Revised Codes of Montana 1921 relating to transportation of Explosives.'" (Committee on Public Safety).

H. B. No. 159, by Maury, Troy, Andrew, Caplis, Kinville, Cavanaugh, English, Mushbach, Dell, Joffray, Carlson of McCone, Andrus, Burke, O. P. Davis, Duffy, Cady, Bosley, Murphy, Clarke, Gillin, McLeod, Seidensticker, Bricker: "A Bill for an Act entitled: 'An Act to repeal all of the sections of the Revised Codes of the State of Montana between Section 11048 and 11122, both inclusive, being all of Chapter 29 of the Penal Code of the State of Montana, 1921, and relating to the regulations governing the manufacture, sale and use of intoxicating liquors.'" (Committee on Public Morals and Reforms).



## CONSIDERATION OF GENERAL ORDERS.

Moved by Lemmon, duly seconded and carried that House resolve itself into Committee of the Whole.

Brandjord in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole, having had under consideration bills on General Orders, respectfully report back with the recommendation that:

H. B. No. 35, be amended as follows:

Section 1 by inserting in line 18 after "knows" the words "to his own knowledge."

Also Section 1 by inserting in line 8 after the word "Montana and" the word "am."

Also Section 2 by striking out in line 4, 5 and 6 the words "and if the signature in the application for absent voters ballot and the signature on the original registration card are the signatures of the same person" and inserting in lieu thereof the words "and if convinced the person making the application for absent voter's ballot and the person who signed the original registration card is one and the same person."

And when so amended, do pass.

H. B. No. 16, be re-referred to the Committee on Revenue and Taxation.

H. B. No. 58, be amended as follows:

Section 2 by inserting after the word "taxpayers" in line 10 the words "on real property."

Also Section 3 by inserting the word "printed," before the word "lithographed" in line 23.

Also Section 3 by striking out in line 6 the words "January" and "July" and inserting in lieu thereof the words "February" and "August", and wherever "January" appears to change it to "February."

Also Section 4 by inserting between the words "on" and "property" in line 28 the word "real."

Also Section 4 by striking out in line 42 the words "January" and "July" and inserting in lieu thereof the words "February" and "August" and in line 45 strike out "January" and insert in lieu thereof the word "February."

Also Section 1 by adding between lines 18 and 19 the words: "Provided, that bonded indebtedness now existing may be refunded when the same may mature in the manner now provided by law, provided such refunding bonds shall not cause the total indebtedness of the city to exceed three per centum of the assessed value of the property upon which taxes are levied as aforesaid."

Also Section 5 by striking out the word "districts" in line 5 and inserting in lieu thereof the following "cities or towns."

And when so amended, do pass.

BRANDJORD, Chairman."

On motion of Brandjord, report adopted.

Moved by Gullidge, duly seconded and carried that the House recess until 2:00 P. M.

## AFTERNOON SESSION

House resumed at 2:00 P. M.

Mr. Speaker in the chair.

## CONSIDERATION OF GENERAL ORDERS.

Moved by Gullidge, duly seconded and carried that the House resolve itself into Committee of the Whole; that H. J. M. No. 4 be placed at the head of the list, and that debate be limited to 10 minutes for each person.

Duffy in the chair.

Committee arose.

Mr. Speaker pro tem in the chair.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole, having had under consideration bills on General Orders, respectfully report back with the recommendation that:

H. J. M. No. 4, do pass.

H. B. No. 77, be re-referred to the Committee on Ways and Means.

H. B. No. 94, be amended as follows:

Section 1 by inserting "nor boundaries changed" after the word "created" in line 3.

And when so amended, do pass.

H. B. No. 34, be amended as follows:

Section 1 by striking out all of section after the word "District" in line 3 of the printed bill and inserting in lieu thereof "the residence of the judges of said Sixteenth Judicial District shall be prescribed by law for the residence of district judges."

And when so amended, do pass.

DUFFY, Chairman."

On motion of Duffy, report adopted.

Moved by McCormack, duly seconded and carried that H. J. M. No. 4 be considered engrossed.

Upon request of Myrick, and with unanimous consent, reverted to:

### THIRD READING OF HOUSE BILLS.

H. J. M. No. 4, by Bernard, having been read three several times, title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Bohling, Boorman, Brandjord, Bray, Bricker, Buchanan, Buell, Burke, Buttleman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Flynn, Fulsher, Goodman, Gullidge, Hanson, Harris, Hawley, Holton, Joffray, Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Swift, Taylor, Terrett, Tierney, Troy, Wold, Zuck. Total—85.

Noes: None.

Absent and not voting: Bernard, Bosley, Facey, Gillette, Gillin, Hamilton, Hoffman, Johnson, Kelly (Pondera), Peden, Ruffcorn, Strange, Tawney, Mr. Speaker, Cowley. Total—15.

Moved by Lemmon, duly seconded and carried that House resolve itself into a Committee of the Whole.

Duffy in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole report as follows:

"Mr. Speaker:

We, your Committee of the Whole, having had under consideration bills on General Orders, respectfully report back with the recommendation that:

H. B. No. 65, be amended as follows:

Section 1 by inserting the words "upon request of" after the word "or" in line 4 of the printed bill.

Section 1 by inserting in line 1 after the word "person" the words "or persons."

Section 1 by inserting in line 3 after the word "person" the words "or persons."

Section 1 by adding in line 11 after the word "person" the following "violating the provisions of this Act or."

Section 1 by inserting after the words "Sheriff's office" the words "nearest office of Chief of Police."

And when so amended, do pass.

H. B. No. 75, do pass.

H. B. No. 83, be amended as follows:

Section 1, line 3, by inserting after the word "improvement" the word "district."

And when so amended, do pass.

H. B. No. 91, be amended as follows:

Section 1 by adding after the end of said section, the words "Provided, however, sufficient funds must at all times be kept in the sinking fund to pay all interest due on said bonds, as such interest shall fall due and become payable."

Section 1 by striking out in line 1 of the printed bill the word "all" and in line 2 strike out word "shall" and inserting in lieu thereof the word "may."

Add a new section as follows: "Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed."

And when so amended, do pass.

H. B. No. 92, be amended as follows:

Section 3 by adding after the end of the section, the following words "under such ordinances."

And when so amended, do pass.

H. B. No. 103, do pass.

H. B. No. 105, be amended as follows:

Section 1 by striking out in line 7 the word "discretion" and inserting in lieu thereof the word "direction."

Section 1 by striking out in line 9 the word "for" and inserting in lieu thereof the word "of."

Section 1 by striking out in line 5 the comma after the word "shall."

And when so amended, do pass.

H. B. No. 112, be amended as follows:

Section 1 by striking out in line 9 the word "or" after "(5%)" and inserting in lieu thereof the word "of."

And when so amended, do pass.

H. B. No. 115, do pass.

Sub. for H. B. No. 43, be amended as follows:

By adding at the end of Sub. for H. B. 43 the following: "Section 6. All Acts and parts of Acts in conflict herewith are hereby repealed."

And when so amended, do pass.

DUFFY, Chairman."

On motion of Duffy, report adopted.

Upon request of Bray, and with unanimous consent, reverted to:

## NOTICES

Authors gave notice that they would on tomorrow or some subsequent date introduce bills as follows:

By Appropriation Committee: "A Bill for an Act entitled: 'An Act appropriating money for the maintenance of the Industrial Accident Board for the fiscal year beginning July 1, 1922, and ending June 30, 1923, and to rectify a mis-appropriation made by the Seventeenth Legislative session'."

By Oker and Joffray: "A Bill for an Act entitled: 'An Act to amend Chapter 97 of Part Three of the Political Code of Montana, 1921, by adding two sections thereto to be known as Sections 1203-A and 1203-B, providing for the levying of a poll tax for school purposes, and disposition of moneys derived from such tax, and providing that Sections 2274-2294 inclusive of the Revised Codes of Montana, 1921, shall be applicable in the carrying into effect the provisions of said Act'."

By Burke: "A Bill for an Act entitled: 'An Act to amend the Penal Code by adding to Chapter 25 a section to be known as "Section 12008A" providing for the selection of alternate jurors in felony cases'."

By Burke and Davis of Fergus: "A Bill for an Act entitled: 'An Act to amend Section 9432 of the Revised Codes of Montana of 1921 relating to notice of sale, how sale given, copy of notice, by amending subdivision two thereof'."

By McAfee: "A Bill for an Act entitled: 'An Act to amend Section 3697 relating to the killing of deer'."



By Peden: "A Bill for an Act entitled: 'An Act to amend Sections 2398, 2399, and 2403, of the Revised Codes of Montana of 1921, and requiring every person, firm, copartnership, association, joint stock company, syndicate and corporation engaged in or carrying on the business of producing within this state petroleum or other mineral or crude oil, or engaged in or carrying on the business of owning, controlling, managing, leasing or operating within this state any well or wells from which petroleum or other mineral or crude oil is produced, to pay to the State Treasurer for engaging in the carrying on such business, certain license fees for the exclusive use and benefit of the State of Montana; fixing the amount of such license fees; prescribing a method for the assessment and collection thereon; and prescribing penalties for violations of the provisions of this Act'."

By Bray: "A Bill for an Act entitled: 'An Act to provide methods of letting county printing contracts, providing schedules therefore and fixing a penalty for the violation thereof.'"

By Hoffman: "A Bill for an Act entitled: 'An Act to amend Sections 2169, 2175, 2176, 2182 and 2184 and to repeal Sections 2183 and 2188 of the Revised Codes of Montana of 1921, all relating to the collection of taxes.'"

By Pilgeram: "A Bill for an Act entitled: 'An Act to amend Section 3701 of the Revised Codes of Montana of 1921 relating to the open season for grouse, etc.'"

By Pilgeram: "A Bill for an Act entitled: 'An Act to amend Section 11552 of the Revised Codes of Montana of 1921 relating to the dogging of livestock.'"

Upon request of Cady, and with unanimous consent, reverted to:

### INTRODUCTION OF BILLS AND MEMORIALS

The following bills were introduced, read first and second times by title only, and referred to Committees as follows:

H. B. No. 160, by Brandjord: "A Bill for an Act entitled: 'An Act establishing and locating an aggricultural experiment sub-station in Missoula County, Montana, to be known as the Mission Valley Sub-station'." (Committee on Agriculture).

H. B. No. 161, by Committee on Fish and Game: "A Bill for an Act entitled: "An Act making it unlawful for any person, company, association or corporation using cyanide of potassium or any other drug, compound or substance poisonous or injurious to human beings, fish or livestock, from emptying or permitting the same to be carried to the waters of any stream, river or lake within the state, and requiring the impounding, daming up and confining such cyanide and other poisonous material in such manner to prevent the same from reaching the waters of any stream, river or lake or other waters containing fish or which may be used for domestic or agricultural purposes, and requiring that such poisonous or injurious material be fenced off from access by live stock; and preserving penalties for the violation of any provision of such Act'." (Committee on Fish and Game).

H. B. No. 162, by Troy: "A Bill for an Act entitled: 'An Act amending Section 210 of the Revised Codes of Montana of 1921, relating to the duties of the State Examiner, by adding thereto two paragraphs to be known as Paragraphs 8 and 9'." (Committee on State Boards and Officers).

H. B. No. 163, by Berryman, McCormack, Larsen of Sheridan, Stoner, Carlson of McCone, Facey, Tierney, Benedict, Duffy, Hoffman, Bosley, Caplis, Cavanaugh, Zuck: "A Bill for an Act entitled: 'An Act providing for the security of deposits in the banks organized or existing under the laws of Montana, creating the Bank Depositors' Guarantee Fund of Montana, and providing regulations therefor, and penalties for violation thereof, and to be known as the Bank Depositors' Guarantee Law'." (Committee on Banks and Banking).

H. J. M. No. 6, by Hawley: "Petition to Congress enacting such laws and measures as will provide for a 'Great Lakes-St. Lawrence Water Way Project'." (Committee on Federal Relations).

Upon request of Spencer, and with unanimous consent, reverted to:

## REPORTS OF STANDING COMMITTEES

The following reports of Standing Committees were received:

"Mr. Speaker:

We, your Committee on State Boards and Officers, having had under consideration H. B. No. 24, by Bosley: "A Bill for an Act entitled: 'An Act making the Clerk of the State Board of Examiners the Clerk for the State Board of Pardons, and the State Board of Commissioners for the Insane and the State Board of Prison Commissioners, and repealing Section 123 Revised Codes of Montana, 1921,'" respectfully report as follows:

That H. B. No. 24 do not pass.

On motion of Ostby, report adopted.

OSTBY, Chairman."

"Mr. Speaker:

We, your Committee on Revenue and Taxation having had under consideration S. B. No. 21, by Pauline, a Bill for an Act entitled: "An Act prescribing the qualification of electors who shall be entitled to vote upon proposals to create or increase indebtedness of the state, county, city, town, school district or other municipal corporation; providing for the preparing and posting of lists of such qualified electors; providing for the preparing and furnishing of poll books; prescribing the duties of the County Clerk and Clerk of the City, Town, School District or other Municipal Corporation, and repealing Acts or parts of Acts in conflict herewith," respectfully report as follows:

That S. B. No. 21 be re-referred to the Judiciary Committee regarding its constitutionality. We are in accord with the purpose of this bill.

On motion of Swift, report adopted.

SWIFT, Chairman."

"Mr. Speaker:

We, your Committee on Revenue and Taxation having had under consideration, H. B. No. 16, by Oker, a Bill for an Act entitled: "An Act to amend Section No. 1253 of the Revised Codes of 1921, regulating the qualifications of voters in elections for the issuance of bonds of this state, or any county, school district, city or town," respectfully report as follows:

That H. B. No. 16 be re-referred to the Judiciary Committee regarding its constitutionality. We are in accord with the purpose of the bill.

SWIFT, Chairman."

On motion of Swift, report adopted.

"Mr. Speaker:

We, your Committee on Townships and Counties, having had under consideration H. B. No. 108, by McCarty, a Bill for an Act entitled: "An Act to empower the Board of County Commissioners to provide maintenance to indigent persons while in vocational training under certain conditions and providing for the appointment of a person to act as agent for the rehabilitation Bureau to serve without pay," respectfully report as follows:

That H. B. No. 108, do not pass.

SPENCER, Chairman."

Moved by Spencer, and duly seconded that report be adopted.

Moved by McCarty, as a substitute, duly seconded and carried that H. B. No. 108 be re-referred to the Committee on Education.

"Mr. Speaker:

We, your Committee on Townships and Counties, having had under consideration, H. B. No. 47, by Bray, a Bill for an Act entitled: "An Act to provide for the letting of contracts for public printing, fixing the prices therefor, providing for an undertaking for the faithful performance of such contract, providing a penalty for the violation of this Act, and repealing Section 4482 of the Revised Codes of Montana of 1921," respectfully report as follows:

That H. B. No. 47 do not pass.

SPENCER, Chairman."

On motion of Spencer, report adopted.

"Mr. Speaker:

We, your Committee on Fish and Game, having had under consideration H. B. No. 141, by Goodman, a Bill for an Act entitled: "An Act to amend Section 3696 of the Revised Codes of the State of Montana of 1921 relating to the open season for elk," respectfully report as follows:

That H. B. No. 141 be referred back to the House with the recommendation that it do pass.

CADY, Chairman."

On motion of Cady, report adopted.

"Mr. Speaker:

We, your Committee on Fish and Game, having had under consideration S. B. No. 31, by Pomeroy, a bill for an Act entitled: "An Act to establish a game preserve in a portion of Lincoln County, for the protection of game animals and birds, to be known as Wolf Creek Game Preserve, and providing penalty for the killing, hunting, trapping and pursuing any game animals or birds in such Preserve, or the carrying of fire-arms therein," respectfully report as follows

That S. B. No. 31 be referred back to the House with the recommendation that it do pass.

CADY, Chairman."

On motion of Cady, report adopted.

Gullidge gave notice that he will on tomorrow make a motion that third reading of all bills on third reading for that day be dispensend with, and that this notice and motion will be applicable to all bills which passed through General Orders today, whether or not the Engrossing Committee report them back tomorrow.

Moved by Gullidge, duly seconded and carried that the House adjourn until Wednesday, January 31, at 10:30 A. M.

CALVIN CRUMBAKER, Speaker.

Attest: J. A. SHOEMAKER, Chief Clerk.

### THIRTY-FIRST DAY

House of Representatives,  
January 31, 1923.

House convened pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Upon roll call all members present except: Cowley and Gillette excused.

The Committee on Journal reported as follows:

"Mr. Speaker:

We, your Committee on Journal, have this day examined the Journal for the 30th Legislative day and found the same correct.

BUCHANAN, Chairman."

Report adopted.

### COMMUNICATIONS AND PETITIONS.

### COMMUNICATIONS FROM THE SENATE

"Helena, Montana, January 30, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee of the Whole, having had under consideration House Bill No. 44, introduced by Perrine, recommended that the enacting clause be stricken out: report adopted and said bill is herewith returned to the House.

Also House Bill No. 6, introduced by Kenyon recommend that the said bill be not concurred in: report adopted and said bill is herewith transmitted to the House.

J. F. CONE, Secretary of the Senate."



"Helena, Montana, January 30, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Substitute for House Bill No. 5 was this day read third time and concurred in as amended. Title agreed to is herewith transmitted to the House.

J. F. CONE, Secretary of the Senate."

"Helena, Montana, January 30, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that following Senate bills were this day introduced, read first and second time and referred to committees.

J. F. CONE, Secretary of the Senate."

Moved by Boorman, duly seconded and carried that the following communications be considered read at length; and that the following portion of the preceding communication be read at length:

Senate Bill No. 79, by Porter: "An Emergency Act authorizing the Board of School Trustees of any school district, having all or any part of its funds deposited in any bank, which has become insolvent, to issue warrant for the necessary current expenses of the school to the amount of not to exceed one hundred per centum of such funds so deposited; to fund such warrants by the issuance of bonds under certain conditions described herein; providing for the payment of the principal and interest of such bonds and for the levying of a tax therefor: and declaring this Act to be an emergency measure." Committee on Education.

Senate Bill No. 80, by Loy: "An Act to repeal Sections 3469, 3470, 3471 and 3477 Chapter 252 Revised Codes of Montana 1921 known as the 'Coal Mining Code'." Committee on Mines and Mining.

Senate Bill No. 81, by Committee on Stockgrowing and Grazing: "An Act to amend Section 3341 of the Revised Codes of 1921, relating to the shipment of cattle and the duties of the shipper and of the railroad." Committee on Stockgrowing and Grazing.

Senate Bill No. 82, by Greenup: "An Act amending Section 1211 of the Revised Codes of Montana of 1921, relating to distribution of oil royalties paid to the State of Montana by the United States of America." Committee on Education.

Senate Bill No. 83, by Greenup: "An Act to provide a penalty for making derogatory statements affecting banks."

Senate Bill No. 84, by Pauline: "An Act making it an offense for any person to make or ferment mash, wort or wash, for distillation, or to manufacture moonshine, malt, wine, distilled spirits or other alcoholic liquor, who is not authorized to do so, and making it an offense to have possession of any still or substitute therefor without registering the same with the proper United States officer, and declaring the same and all mash, wort wash, and other materials and products used in the operation of such stills, or produced thereby, contraband and subject to seizure and declaring the possession thereof unlawful, and prescribing certain duties and powers of the officers charged with the enforcement of the law and providing for the burden of proof of possession of a permit, and what constitutes a prima facie case against certain persons, and for the reception in evidence of the certificate of the Collector of Internal Revenue, and prescribing a penalty for violating the provisions of the Act on first and subsequent offenses." Committee on Sanitary Affairs.

Senate Bill No. 85, by Porter: "An emergency Act authorizing the Board of Trustees of any county high school having all or any part of its funds deposited in any bank which has become insolvent, to issue warrants for the necessary current expenses of said county high school to the amount of not to exceed 100 per centum of such funds so deposited; authorizing the Board of County Commissioners to refund such warrants by the issuance of bonds under certain conditions described herein; providing for the payment of the principal and interest of such bonds and for the levying of the tax therefor; and declaring this Act to be an emergency measure." Committee on Education.

"Helena, Montana, January 30, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the attached notice of bills was this day given.

J. F. CONE, Secretary of the Senate."

By Dowlin: "An Act to provide for the publication of the State Examiners Report covering the examination of the various county officers, as a part of the official proceedings of the Board of County Commissioners of such county."

By Speer: "An Act to amend Section 5993, Revised Codes of Montana of 1921, relating to manner of making capital stock of domestic corporations assessable."

By Speer: "An Act to amend Section 5905, Revised Codes of 1921, relating to contents of articles of incorporation of domestic corporations."

By Speer: "An Act providing the fees to be paid by foreign corporations for filing a certified copy of its charter of articles of incorporation in the office of the Secretary of State of the State of Montana."

By Demel: "An Act amending Section 9096 of the Revised Codes of Montana, 1921, relating to the place of trial of civil actions."

By Leighton: "An Act amending Section 4809 of the Revised Codes of Montana of 1921, relating to the prepayment of fees of County Clerks."

By Haley: "An Act fixing the charge to be allowed to any state or county for the use of automobile when necessarily used in the performance of his official duty."

By Greening: "An Act to amend Section 8412 of the Revised Codes of Montana of 1921, relating to negotiable instruments."

By Greening: "An Act requiring bank checks to be presented within a year from date thereof."

By Greening: "An Act to fix the limit on stop payment orders on checks or drafts."

#### OTHER COMMUNICATIONS

The following resignation was received by the Speaker:

"Hinsdale, Montana, January 27, 1923.

Hon. Calvin Crumbaker,  
Speaker, House of Representatives,  
Helena, Montana.

Dear Sir:

Some weeks ago I mailed my resignation as member of the House of Representatives to Governor Dixon without consulting the Codes.

I am in receipt of a communication from the Governor yesterday in which he advises that the Codes prescribe that resignations from the Assembly must be filed with the Speaker in the case of Representatives offering resignations.

I therefore tender to you, as presiding officer of the House of Representatives, my resignation as member of the House from Valley County, effective as of January 13th, 1923, being the same date on which my prior resignation was executed and transmitted to the Governor.

This course is necessary by reason of a combination of circumstances with which you are fully familiar.

Regretting my inability to serve the people of Valley County and to continue association with my colleagues in the House, I am

Very sincerely,  
F. B. GILLETTE."

The above resignation was transmitted to the Governor by the following letter from the Speaker:

"House of Representatives, January 31, 1923.

Hon. Jos. M. Dixon,  
Helena, Montana.

Dear Sir:

I herewith transmit to you the resignation of Mr. F. B. Gillette, State Representative from Valley County, which was received by the House and recorded in the Journal today, January 31st.

Yours very truly,  
CALVIN CRUMBAKER."

The Governor's receipt of the above papers, as follows, was received:  
"1-31-23

Received of the Chief Clerk of the House,  
House Communications—Gillette Resignation.

JOS. M. DIXON,  
by O. A. Bergeson, Private Sec'y."

The Committee on Engrossment reported H. B. No. 27 and 35 correctly engrossed.

#### NOTICES

Authors gave notice that they will on tomorrow or some subsequent date introduce bills as follows:

By Perrine and Buttleman: "A Bill for an Act entitled: 'An Act to amend Sections 7210, 7211 Revised Codes, Montana, 1921, relating to the petition for bonds of Irrigation Districts and action thereon and to be confirmation by the District Court of bond proceedings of Irrigation Districts, by providing that the proceedings enumerated in such sections shall not be had or accomplished until compliance is first had with Sections 7216, 7218, Revised Codes, Montana, 1921, as amended herein and with all the sections of this Act; and to amend Sections 7216 and 7218, Revised Codes, Montana 1921, by providing for the submission to the Irrigation District Bond Commission of all proceedings for issuance of bonds of Irrigation Districts now or hereafter created, under and by virtue of Chapter 146, Laws 1909, and Acts amendatory thereof and supplemental thereto as embraced in Sections 7163 to 7264, Revised Codes, Montana, 1921'."

By Myrick, Pilgeram and Bricker: "A Bill for an Act entitled: 'An Act providing for the foreclosure of mortgages containing a power of sale, by advertisement, outlining procedure, and providing for purchase at such foreclosure sale by the mortgagee or his representatives'."

#### REPORTS OF SELECT COMMITTEES

Boorman, of Special Investigation Committee, appointed under the Loble resolution, announced that the committee would hold a public hearing in the Hall of the House tomorrow night.

#### REPORTS OF STANDING COMMITTEES

The following reports of standing committees were received:

"Mr. Speaker:

We, your Committee on Livestock and Public Ranges, having had under consideration H. B. No. 148 introduced by the Committee on Livestock and Public Ranges, being a Bill for an Act entitled: "An Act to amend Section 3341 of the Revised Codes of 1921, relating to the shipment of cattle and the duties of the shipper and of the railroad," beg leave to report the same back to the House with the recommendation that it do pass.

LEAVENS, Chairman."

On motion of Leavens, report adopted.

"Mr. Speaker:

We, your Committee on Livestock and Public Ranges, having had under consideration H. B. No. 149, introduced by the Committee on Livestock and



Public Ranges, being a Bill for an Act entitled: "An Act to define wild animals and to provide for their destruction, authorizing co-operation between the Livestock Commission and the Biological Survey of the United States Department of Agriculture, providing for the disposition of furs, skins and specimens from wild animals destroyed, authorizing the Tax Commission or the Department of State whose duty it is to fix levies annually to prescribe a levy against livestock, providing for the powers and duties of the Livestock Commission relative to the provisions of this act, and repealing Sections 3407, 3408, 3409, 2310, 3411, 3412, 3413, 3415, 3416 and 3417 of the Revised Codes of the State of Montana, 1921, and amending Section 2081 of the Revised Codes of the State of Montana, 1921, relative thereto," recommend the following amendment. In the 7th line of Section 2081, strike out the words and figures "one and one-half ( $1\frac{1}{2}$ )" and the word "mills" immediately following on the next line, and substitute in lieu thereof the words "one mill."

Your committee further reports and recommends that when said House Bill No. 149 is so amended, it do pass.

On motion of Leavens, report adopted.

LEAVENS, Chairman."

"Mr. Speaker:

We, your Committee on Livestock and Public Ranges, having had under consideration H. B. No. 150, introduced by Committee on Livestock and Public Ranges, being a Bill for an Act entitled: "An Act to transfer the balance stock Commission Fund for the use of the Livestock Commission," beg leave to report the same back to the House with the recommendation that it do pass.

On motion of Leavens, report adopted.

LEAVENS, Chairman."

"Mr. Speaker:

We, your Committee on Livestock and Public Ranges, having had under consideration H. B. No. 151, introduced by the Committee on Livestock and Public Ranges, being a Bill for an Act entitled: "An Act to amend Section 3324 of the Revised Codes of Montana of 1921 relating to the inspection of livestock about to be moved from one county to another within the state and defining the powers of the Livestock Commission in reference thereto," beg leave to report the same back to the House with the recommendation that it do pass.

On motion of Leavens, report adopted.

LEAVENS, Chairman."

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration H. B. No. 100, by Loblé and Scharnikow, entitled: "An Act to amend Section 11702 of the Revised Codes of the State of Montana, 1921, relating to the removal of public officers," beg leave to recommend that the same be amended as follows:

Strike out in lines 10 to 12, page 2, the words "and damages, of whatsoever nature he may sustain by reason of the filing of such accusation," and insert in lieu thereof the words, "all costs incurred in said action together with reasonable attorney's fees to be allowed by the court."

And that as so amended the bill do pass.

COMMITTEE ON JUDICIARY,  
KENYON, Chairman."

On Motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Banks and Banking, having had under consideration S. B. No. 9, introduced by Duncan, a Bill for an Act entitled: "An Act to amend Section 6036 of the Revised Codes of Montana, 1921, relating to the liability of the stockholders in state banks and providing means for paying and collecting said liability," respectfully report as follows:

That S. B. No. 9 be referred back to the House with the recommendation that it be concurred in.

On motion of Johnson, report adopted.

JOHNSON, Chairman."

"Mr. Speaker:

We, a Majority of your Committee on Railroads and Transportation, having had under consideration H. B. No. 62, introduced by Troy, being a Bill for an Act entitled: "An Act to promote the safety of travelers and employees upon railroads by compelling common carriers by railroad to properly man their trains, and providing a penalty for the violation thereof," respectfully report as follows:

That H. B. No. 62, do pass.

JOFFRAY,  
DUFFY,  
TIERNEY,  
TROY,  
CLARKE,  
STODDARD,  
FULSHER,  
STONER,  
DEAN,

DEAN, Chairman."

"Mr. Speaker:

We, a Minority of your Committee on Railroads and Transportation having had under consideration H. B. No. 62, being an Act to promote the safety of travelers and employees along Railroads by compelling common carriers by railroads to properly man their trains and providing a penalty for the violation thereof, respectfully report as follows:

That H. B. No. 62, do not pass.

RIDLE,  
SMITH,  
MURPHY,  
HAWLEY,  
TAYLOR."

Moved by Dean, and duly seconded that the Majority report be adopted.

Moved by Taylor, as a substitute motion and duly seconded that the Minority report be adopted.

Moved by Duffy, as a substitute for all preceding motions, and duly seconded that H. B. No. 62 be printed and placed on General Orders.

A roll call being requested by Stoner, duly seconded, the following vote was cast:

Ayes: Andrew, Benedict, Bosley, Brandjord, Bray, Bricker, Buchanan, Buttleman, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Dean, Dell, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Hamilton, Hanson, Joffray, Kelly (Silver Bow), Kenyon, Kinville, Larsen (Sheridan), Loble, McCarty, McCormack, Maury, Mushbach, Myrick, Nelson, Oker, Ostby, Perrine, Pilgeram, Pope, Ridle, Rodgers, Roscow, Ruffcorn, Scharnikow, Seidensticker, Smethurst, Stoddard, Stoner, Swift, Tawney, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—60.

Noes: Andrus, Armstrong, Baker, Bergstrom, Berryman, Bohling, Buell, Burke, Davis (Wibaux), Denny, Gullidge, Harris, Hawley, Holton, Johnson, Kelly (Pondera), Kennedy, Larson (Richland), Lease, Leavens, Lemmon, McAfee, McLeod, Murphy, O'Connell, Peden, Rasmussen, Sandy, Smith, Spencer, Strange, Taylor, Terrett. Total—33.

Absent and not voting: Arnold, Bernard, Boorman, Cady, Cowley, Gillette, Hoffman. Total—7.

"Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bills Nos. 37, 52, 67, 106, 113, 114, 118, 121, 122, 130, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman."

"Mr. Speaker:

We, your Committee on Education, having had under consideration H. B. No. 28, by Loble, a Bill for an Act entitled: "An Act to amend Section 933 of the Revised Codes of Montana of 1921 relating to the official staff of the Superintendent of Public Instruction," respectfully report as follows:

That H. B. No. 28 do not pass, but in lieu of H. B. No. 28, we recommend a substitute for H. B. No. 28 introduced by the Committee on Education entitled: A Bill for an Act entitled: "An Act to amend Section 933 of the Revised Codes of Montana of 1921, relating to the official staff of the Superintendent of Public Instruction, and to provide for the powers and duties of the State Superintendent of Public Instruction and of County Superintendents of Schools," and recommend that Substitute do pass.

GULLIDGE, Chairman."

On motion of Gullidge, report adopted.

Sub. for H. B. No. 28, introduced by the Committee on Education was read first and second times by title only, and referred to the Committee on Printing.

"Mr. Speaker:

We, your Committee on Education, having had under consideration S. B. No. 11, by Healy, a Bill for an Act entitled: "An Act to amend Sections 1280 and 1282, Revised Codes of 1921, providing for the distribution of the county high school tax and providing what pupils shall be included in determining attendance," respectfully report as follows:

That S. B. No. 11 be amended by inserting after the word "all," in line 22, the word "High School," and as so amended recommend that the bill be concurred in.

GULLIDGE, Chairman."

On motion of Gullidge, report adopted.

"Mr. Speaker:

We, a Majority of your Committee on Privileges and Elections, having had under consideration H. B. No. 8, introduced by Maury, a Bill for an Act entitled: "An Act to repeal Sections 671, 672, 673, 674, 675 and 676, of the Revised Codes of Montana of 1921, these sections now being what was initiative measure entitled: 'A Bill to propose by initiative petition a law to provide for the expression by the people of the State of Montana of their preference of party candidates for president and vice president of the United States, the election of delegates to presidential conventions and the nomination of presidential electors by direct vote,' initiated and passed by the people of the State of Montana at the General Election of 1912," respectfully report as follows:

That H. B. No. 8 do not pass.

RUFFCORN,  
PEDEN,  
McCORMACK,  
HARRIS,  
BOSLEY."

"Mr. Speaker:

We, a Minority of your Committee on Privileges and Elections, having had under consideration H. B. No. 8, by Maury, a Bill for an Act entitled: "An Act to repeal Sections 671, 672, 673, 674, 675, and 676, of the Revised Codes of Montana of 1921, these sections now being what was initiative measure entitled: 'A Bill to propose by initiative petition a law to provide for the expression by the people of the State of Montana of their preference of party candidates for president and vice president of the United States, the election of delegates to presidential conventions and the nomination of presidential electors by direct vote,' initiated and passed by the people of the State of Montana at the general election of 1912," respectfully report as follows:

That H. B. No. 8 do pass.

POPE,  
ROSCOE,  
HAMILTON."

Moved by Ruffcorn, and duly seconded that Majority report be adopted.

Moved by Maury, as a substitute motion, and duly seconded that the Minority report be adopted.

Moved by Rodgers, duly seconded and carried that the House recess until 2:00 P. M.



## AFTERNOON SESSION

House resumed at 2:00 P. M.

Mr. Speaker in the chair.

The Majority and Minority reports of the Committee on Privileges and Elections were re-read.

Previous question moved by Gullidge, duly seconded and carried.

Question arising on the substitute motion for adoption of the Minority report, and McCormack requesting that roll call be taken, duly seconded, the substitute motion failed, the vote being as follows:

Ayes: Andrew, Andrus, Armstrong, Berryman, Boorman, Burke, Buttleman, Carlson (Gallatin), Davis (Wibaux), Dell, Denny, English, Flynn, Fulsher, Gullidge, Hamilton, Hawley, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kinville, Leavens, Lemmon, McCarty, Maury, Murphy, Mushbach, Nelson, O'Connell, Pope, Riddle, Rodgers, Roscow, Scharnikow, Seidensticker, Smith, Spencer, Stoddard, Terrett, Troy, Wold, Zuck. Total—44.

Noes: Benedict, Bergstrom, Bernard, Bohling, Bosley, Brandjord, Bray, Bricker, Buchanan, Buell, Cady, Caplis, Carlson, (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Dean, Duffy, Elliott, Facey, Gillin, Goodman, Hanson, Harris, Hoffman, Holton, Kenyon, Larsen (Sheridan), Lease, Loble, McAfee, McCormack, McLeod, Myrick, Oker, Ostby, Peden, Perrine, Pilgeram, Rasmussen, Ruffcorn, Sandy, Smethurst, Stoner, Strange, Swift, Taylor, Tawney, Tierney, Mr. Speaker. Total—51.

Absent and not voting: Arnold, Baker, Cowley, Gillette, Larson (Richland). Total—5.

Question arising on the original motion, that the Majority report be adopted, it carried.

## INTRODUCTION OF BILLS AND MEMORIALS.

The following bills were introduced, read first and second times by title only and referred to committees as follows:

H. B. No. 164, by Zuck, Davis of Wibaux, Hamilton, McCarty, O'Connell, Tierney, Maury, Berryman, Dean: "A Bill for an Act entitled: 'An Act to provide for the filing and listing of school text books by publishers and selections from such list by Boards of School Trustees and Boards of Education, and the purchase of such books selected with school funds at said filed prices.'" (Committee on Education).

H. B. No. 167, by Pilgeram: "A Bill for an Act entitled: 'An Act to amend Section 11552 of the Revised Codes of Montana of 1921, relating to the dogging of livestock.'" (Committee on Livestock and Public Ranges).

H. B. No. 168, by Burke: "A Bill for an Act entitled: 'An Act to amend the Penal Code by adding to Chapter 25 a section 12008A' providing for the selection of alternate jurors in felony cases.'" (Committee on Judiciary).

H. B. No. 169, by Burke: "A Bill for an Act entitled: 'An Act to amend Section 9432 of the Revised Codes of Montana of 1921, relating to notice of sale, how sale given, by copy of notice, by amending subdivision two hereof.'" (Committee on Judiciary).

H. B. No. 170, by Hoffman: "A Bill for an Act entitled: 'An Act to amend Sections 2169, 2175, 2176, 2182 and 2184 and to repeal Sections 2183 and 2188 of the Revised Codes of Montana of 1921, all relating to the collection of taxes.'" (Committee on Revenue and Taxation).

H. B. No. 171, by Mushbach: "A Bill for an Act entitled: 'An Act appropriating money to reimburse the heirs of Tony Early for loss of interest on payments made to the State Board of Land Commissioners for purchase of lands and loss of improvements on said lands to which the State of Montana was unable to give patent and from which said Tony Early as such purchaser was subsequently ejected.'" (Committee on Appropriations).

H. B. No. 172, by Tawney, Strange, Pope, Brandjord, Elliott, Nelson: "A Bill for an Act entitled: 'An Act to provide county assistance for the shooting, poisoning and trapping of rodents in control districts established by the State Board of Entomology for the control of Rocky Mountain Spotted

Fever; providing for the appointment of persons and purchase of material therefor; providing for the payment of the expense and authorizing the levy of a tax therefor; and defining the term "rodents". (Committee on Public Health).

H. B. No. 173, by Oker and Joffray: "A Bill for an Act entitled: 'An Act to amend Chapter 97 of Part Three of the Political Code of Montana, 1921, by adding two sections thereto to be known as Sections 1203-A and 1203-B, providing for the levying of a poll and capitation tax for school purposes, and disposition of moneys derived from such tax, and providing that Sections 2274-2294 of the Revised Codes of Montana, 1921, shall be applicable in the carrying into effect the provisions of said Act.'" (Committee on Revenue and Taxation).

H. B. No. 174, by Bray: "A Bill for an Act entitled: 'An Act to provide for the letting of contracts for public printing, fixing the prices therefor, providing for an undertaking for the faithful performance of such contracts, providing a penalty for violation of this Act, and repealing Section 4482 of the Revised Codes of Montana of 1921.'" (Committee on Townships and Counties).

H. B. No. 175, by McAfee: "A Bill for an Act entitled: 'An Act to amend Section 3697 of the Revised Codes of Montana of 1921, relating to the open season for deer and the number of deer allowed to be killed by each person.'" (Committee on Fish and Game).

H. B. No. 176, by Perrine and Buttleman: "A Bill for an Act entitled: 'An Act to amend Sections 7210, 7212, Revised Codes Montana 1921, relating to the petition for bonds of irrigation districts and action thereon and to the confirmation by the District Court of bond proceedings of irrigation districts, by providing that the proceedings enumerated in such sections shall not be had or accomplished until compliance is first had with Sections 7216 7218, Revised Codes, Montana, 1921, as amended herein and with all the Sections of this Act; and to amend Sections 7216 and 7218, Revised Codes, Montana, 1921, by providing for the submission to the Irrigation District Bond Commission of all proceedings for issuance of bonds of irrigation districts now or hereafter created under and by virtue of Chapter 146, Laws 1909, and Acts amendatory thereof and supplemental thereto as embraced in Sections 7166 to 7264, Revised Codes, Montana, 1921.'" (Committee on Irrigation and Water Rights).

The following bills were introduced, read first and second times and referred to committees as follows:

H. B. No. 165, by Appropriations Committee: "A Bill for an Act entitled: 'An Act appropriating money for the maintenance of the Industrial Accident Board for the fiscal year beginning July 1, 1922 and ending June 30, 1923, and to rectify a mis-appropriation made by the Seventeenth Legislative session.'" (Committee on Appropriations).

H. B. No. 166, by Appropriations Committee: "A Bill for an Act entitled: 'An Act to authorize the Livestock Commission to expend moneys collected.'" (Committee on Appropriations).

H. B. No. 177, by Davis of Wibaux: "A Bill for an Act entitled: 'An Act to amend Section 213 of the Revised Codes of 1921, relating to the failure of county officers to transmit statements to the State Examiner; or the refusal or neglect of any officer to comply with the lawful regulations as prescribed by the State Examiner and providing a penalty therefor.'" (Committee on State Boards and Officers).

## MOTIONS AND RESOLUTIONS

Moved by Gullidge, duly seconded and carried without dissenting vote that House Bills to read by title and history only on third reading today, in accordance with notice given yesterday.

Upon request of McCormack, and with unanimous consent, reverted to:

## NOTICES.

Authors gave notice that they will on tomorrow or some subsequent date introduce bills as follows:

By McCormack: "A Bill for an Act entitled: 'An Act to amend Section 6216, Revised Codes, Montana, 1921, pertaining to the requirements of surety companies to transact business within the State of Montana, and relating to

the authority of the agent of such companies, making it incumbent upon such companies to have and deposit with the Insurance Commission of the State of Montana \$50,000 in trust for the benefit of the resident holders of the obligations for such corporation, before any such corporation may do or transact business within the State of Montana'."

By Nelson: "A Bill for an Act entitled: 'An Act authorizing and providing for the consolidation and merging of the corporate existence and government of any county in the state and of all cities and towns situated therein into one municipal corporation and government, defining the powers thereof and providing a commission-manager plan of government therefor'."

By Committee on Horticulture: "A Bill for an Act entitled: 'An Act to amend Sections 4268 and 4270 of the Revised Codes of Montana of 1921, relating to the classification and quality of apples and defining grades and standards of apples'."

### THIRD READING OF HOUSE BILLS

House Bill No. 27, introduced by Brandjord: A Bill for an Act to submit to the qualified electors of the State of Montana an amendment to the Constitution of the State of Montana, adding thereto a new article, providing for the acceptance and administration by the State of gifts, donations, grants and legacies for the creation of a State permanent revenue fund, for the creation of a state permanent school fund, for the creation of a permanent revenue fund for the University of Montana, and for the benefit of other useful, benevolent and worthy objects; and authorizing the State to administer other funds together with those hereinbefore indicated.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the Constitution of the State of Montana be amended as hereinafter provided, and that the question of such amendment be submitted to the qualified electors of the State of Montana for their approval or rejection at the general election to be held in November 1924.

Section 2. That the Constitution of the State of Montana be amended and the same is hereby amended, by adding thereto a new article to be known and designated as Article Twenty-one (21), reading and being as follows:

#### Article XXI.

Section 1 (of Article 21). The State of Montana does hereby agree and covenant to accept from any natural person, or persons, from inside or outside the state, gifts, donations, grants and legacies in any amount or value not less than two hundred fifty dollars (\$250.00) each, for the creation of a state permanent revenue fund, for the creation of a State permanent school fund, for the creation of a permanent revenue fund for the University of Montana, and for the benefit of scientific, educational, benevolent and charitable work, subject, however, to all the provisions and limitations of this article.

Section 2 (of Article 21). The State further agrees and covenants to hold in trust all such contributions (gifts, donations, grants, and legacies), to administer the same perpetually, and to apply the net earnings thereof as therein directed, subject, however, to the provisions and limitations of this act.

Section 3 (of Article 21). The original amounts of all contributions for the State permanent revenue fund, for the State permanent school fund, and for the permanent revenue fund for the University of Montana, shall be added to such funds respectively and become inseparable and inviolable parts thereof. Contributions for other objects may contain a provision to the effect that the net earnings thereof, or part of the net earnings, shall be added to the principal for a certain length of time, or until it has reached a certain amount, or until the happening of a certain event; but such contingent event shall not be more remote than permitted by the laws affecting perpetuities, but no contribution containing such provision as to accumulation shall be accepted by the State until it has been approved by the supervisory board hereinafter constituted, which board shall have power to reject any such contributions that it may deem unwise.



Section 4 (of Article 21). The State Treasurer shall keep a permanent record of all such gifts, donations, grants and legacies, showing the names of the givers, the purpose of the contribution, and other essential facts relating thereto. A duplicate of this record shall be kept by the Secretary of State. These records shall be preserved perpetually as a lasting memorial to the givers and their interest in society. The Legislative Assembly shall from time to time make provision for suitable publicity concerning these benefactors of their fellowmen.

Section 5 (of Article 21). The same State board and officers that have charge of the investment and administration of the public school fund of the State shall have charge of the investment and administration of all the funds administered under this article. All these funds shall be invested as one common fund to be known and designated as the Montana Trust and Legacy fund. In case any contribution is in some other form than cash, such board shall convert it into cash as soon as practicable.

Section 6 (of Article 21). All investments of these funds shall be safely and conservatively made. Preference shall be given to long term loans secured by first mortgages on town and city homes or on cultivated and producing farms in this State free from all prior liens and encumbrances, and also to Montana bonds issued for educational purposes. All such loans and bonds shall be payable on the amortization plan. No loan in which the security is a mortgage shall exceed fifty per cent of the actual cash value of the real estate given as security. No farm loan shall be for a longer period than forty years, and no loan secured on residence property shall be for a longer period than twenty years. No loan secured on town or city property shall be made until the particular town or city and subdivision thereof in which it is located has been accepted and approved by the State board, having charge of the investment, as permanently established, having an assured future and being in every way safe security for these investments. Investment may also be made in other safe interest-bearing securities; provided, however, that no part of such funds shall ever be invested in obligations of the State of Montana, except general fund warrants which will be paid within one year from the time of the investment. No discrimination shall ever be shown for or against any loan applicant; provided, however, that in passing on a loan or investment, consideration shall be given, not only to the amplexness of the security, but also the character and earning capacity of the applicant and to the purpose of the loan; and provided further, that so long as the available funds are inadequate to meet the demand, preference shall be given to the smaller loans. The rate of interest shall always be a reasonable rate, considering the character of the loan or investment, but different rates may be charged for different classes of loans and investments.

Section 7 (of Article 21). It is the meaning and intention of this article that all investments of these funds shall be confined exclusively to safe loan investments, drawing a fixed rate of interest and being in aid of home making, farming and educational work, or otherwise conducive to the progress and well being of society. All long term investments shall be on the amortization plan. Further regulations and limitations concerning these investments shall be provided by law.

Section 8 (of Article 21). Whenever the security given for a loan is liable to damage or destruction by fire, the insurance company accepting the risk shall be absolutely liable to the State for the full amount of the policy, and the policy itself shall specifically recite such full liability. The State may itself provide for insurance on any property constituting security for its loans.

Section 9 (of Article 21). The Legislative Assembly may provide other and additional ways and means for beginning or increasing any of the funds created or authorized by this article.

Section 10 (of Article 21). The State of Montana shall accept for investment and administration together with the aforesaid funds constituting the Montana Trust and Legacy fund, but as separable parts thereof, sinking funds, permanent funds, and cumulative funds belonging to the State and its political subdivisions, and also other funds designated by the Legislative Assembly, when requested to do so by the authorities having the care and custody of such funds. All such funds and the accrued interest, less the State compensation hereinafter

fixed, shall be repaid when due. The provisions of this section shall not apply to the public school fund of the State, which school fund shall be administered separately as already prescribed by the constitution.

Section 11 (of Article 21). The State shall be entitled to receive as compensation for the administration of all the funds administered under this act one twentieth (1-20) of all the interest collected thereon each year. On the last day of December of each year, the State Treasurer shall transfer to the State general fund such one twentieth of all the interest collected during the year, less all the losses ascertained during the year, which losses shall be deducted from the one twentieth constituting the compensation of the State. The balance of the interest collected shall be the net earnings and shall be accredited pro rata to each and every fund constituting the Montana Trust and Legacy fund that was in the keeping of the State on January 1st of that year, based on the total thereof on that date, and shall be added to each such fund, or held available for the beneficiaries as the case may be. Sums due beneficiaries shall be paid out during the ensuing month of January, as far as practicable.

Section 12 (of Article 21). All the net earnings, accruing to the State permanent revenue fund shall annually be added thereto until it has reached the sum of one hundred million dollars (\$100,000,000.00). Thereafter only one twentieth of the annual net earnings shall be added to the fund itself, and the remaining nineteen twentieths of the net earnings shall be used for the general expenses of the State.

Section 13 (of Article 21). All the net earnings accruing to the State permanent school fund shall annually be added thereto until it has reached the sum of five hundred million dollars (\$500,000,000.00). Thereafter only one twentieth of the annual net earnings shall be added to the fund itself, and the remaining nineteen twentieths shall annually be apportioned to the school districts of the State on the basis of the aggregate actual school attendance in each district during the preceding school or calendar year by persons between the ages of six and eighteen years and shall be used exclusively for educational purposes, subject to such regulations and limitations as may be prescribed by law.

Section 14 (of Article 21). All the net earnings accruing to the permanent revenue fund for the University of Montana shall annually be added thereto until it has reached the sum of one hundred million dollars (\$100,000,000.00). Thereafter only one twentieth of the annual net earnings shall be added to the fund itself, and the remaining nineteen twentieths shall be apportioned to all the educational institutions then comprising the University of Montana, on the basis of the aggregate actual attendance in each institution during the preceding school or calendar year, and may be used for all purposes properly connected with the work of these institutions, subject, however, to such regulations and limitations as may be prescribed by law.

Section 15 (of Article 21). Whenever the purpose for which a certain contribution was made has been accomplished, or can no longer be ascertained or followed, then the total amount of such fund shall be transferred to the State permanent school fund and become a permanent and inviolable part thereof. All contributions without a specified purpose shall be credited to the State permanent school fund.

Section 16 (of Article 21). Should the time ever come when any of the three aforesaid permanent funds become so large that no further increase is necessary or desirable, then, in such case, the Legislative Assembly shall have power to provide for the use of all of the net income from such fund for the purpose for which it was created, or it may use the one twentieth of the annual net income which was to be added to the fund itself for the creation of other permanent revenue funds, or for any other public purpose that it may deem wise; provided, however, that none of the foregoing provisions of this section shall apply to any of these funds until it has reached the specified amount fixed by this article.

Section 17 (of Article 21). The Justices of the Supreme Court of the State of Montana are hereby made and constituted a supervisory board over the entire administration of all the funds created or authorized by this article and the income therefrom. During January of each year, this board shall review the administration for the preceding year. It shall decide all uncertain or disputed



points arising in the administration of the funds whenever requested to do so by a beneficiary, by a State official charged with some part of the administration of the fund, or any other interested party; and it may do so upon its own initiative. It shall be the duty of the supervisory board to do and perform all acts and things that it may deem necessary in order to cause the board and officers having direct charge of these funds to administer the same carefully and wisely in full compliance with the provisions of this article and such further legislation as may be enacted relating thereto. The Clerk of the Supreme Court shall be ex-officio clerk of this supervisory board.

Section 18 (of Article 21). The Legislative Assembly shall from time to time enact such further legislation as it may deem necessary to carry into effect the provisions of this article.

Section 3. Separate official ballots shall be provided at the general election to be held in November, 1924, which shall have printed thereon all of Article Twenty-one (21) of the Constitution of the State of Montana as proposed by this act. There shall also be printed on the said official ballots, below the said article, squares and words as follows

☐

For the foregoing amendment to the Constitution.

☐

Against the foregoing amendment to the Constitution.

Each elector who approves this amendment shall mark an X in the first square above printed, and each elector who rejects it shall mark an X in the second square.

Section 4. The votes cast for and against this proposed amendment shall be canvassed, determined and declared as provided by the laws of the State of Montana.

Section 5. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Section 6. This act shall take effect and be in full force and effect from and after its passage and approval.

We hereby certify that pages 186a, 186b, 186c, and 186d, contain a full and correct entry of House Bill No. 27, the same containing a proposed amendment to the Constitution of the State of Montana.

CALVIN CRUMBAKER, Speaker.

Attest: JAMES A. SHOEMAKER, Chief Clerk.

H. B. No. 27, by Brandjord, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Buell, Buttleman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Davis (Fergus), Davis (Wibaux), Dean, Dell, Duffy, Elliott, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, McCarty, McCormack, McLeod, Murphy, Mushbach, Myrick, Nelson, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Swift, Tawney, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—83.

Noes: Burke, Denny, English, Hawley, Hoffman, Loble, McAfee, Maury, Rodgers, Taylor. Total—10.

Absent and not voting: Arnold, Cowley, Cronk, Gillette, O'Connell, Oker, Strange. Total—7.

Moved by Brandjord, duly seconded and carried that it be entered in the House Journal that there being one hundred members elected to the Eighteenth Legislative Assembly, and 84 having voted for H. B. No. 27, the same passed by more than the two-thirds vote required for a constitutional amendment.



H. B. No. 35, by McCarty, having been read three several times, title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Buell, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Davis (Fergus), Davis (Wibaux), Dean, Dell, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—94.

Noes: Denny. Total—1.

Absent and not voting: Arnold, Cowley, Cronk, Gillette, Oker. Total—5.

The Senate Amendments to Sub. for H. B. No. 5 were concurred in by the following vote:

Ayes: Andrew, Andrus, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Buell, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—95.

Noes: Armstrong, Burke. Total—2.

Absent and not voting: Cowley, Gillette, Oker. Total—3.

Upon request of Roscow, and with unanimous consent, reverted to:

## COMMUNICATIONS AND PETITIONS

Roscow presented a communication from Montana Federation of Women's Clubs, with relation to the endorsement of H. B. No. 33, which was read.

Upon request of Lease the budget Committee was excused for Committee work at 4:00 P. M.

Moved by Gullidge, duly seconded and carried that the House resolve itself into a Committee of the Whole.

Kenyon in the chair.

Committee arose.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole, having had under consideration bills on General Orders, respectfully report back with the recommendation that:

H. J. R. No. 1, be amended as follows:

By inserting after the word "condition" at the end of the last paragraph on page two and before the words "Now therefore, Be it Resolved" the following: "and whereas it appears that complaints of a similar nature are coming from and being made with regard to other irrigation districts of the State."

Also by inserting after the words "Toole County Irrigation District" in the fifth line of the third page, "and all other irrigation districts of the State."

Also by inserting after the word "whereas" in line 22 the words "it is alleged."

Also by inserting after the word "whereas" in line 27 the words, "it is said that."

Also that the same words be inserted after the words "Whereas" in lines 35 and 37.

Also by striking out in line 52, "February 12" and inserting in lieu thereof the words "February 19th, 1923."

And when so amended, do pass.

H. J. M. No. 5, do pass.

H. B. No. 33, be referred to the Committee on Judiciary.

S. B. No. 9, be concurred in.

S. B. No. 11, be amended as follows:

Section 1 by striking out in line 6 the words "for maintenance" and inserting in lieu thereof the words "as provided for by Section 1275 of the Revised Codes of Montana of 1921."

And when so amended, be concurred in.

KENYON, Chairman."

On motion of Kenyon, report adopted.

Upon request of Swift, and with unanimous consent, reverted to:

### REPORTS OF STANDING COMMITTEES.

The following reports were received from standing committees:

"Mr. Speaker:

Your Committee on Revenue and Taxation, to whom was referred House Bill No. 40, entitled: "A Bill for an Act entitled: 'An Act to amend Chapter 57 of the Revised Codes of Montana 1921, and Sections 7724 to 7751, both inclusive, of the Revised Codes of 1907, relating to inheritances and transfers, and making appropriations,'" having had the same under consideration, respectfully recommend that said bill be amended as follows:

1. That the title be amended so as to read as follows:

"A Bill for an Act entitled: 'An Act to establish a tax on direct and collateral inheritances, bequests and devises; to provide for its assessment and collection; directing the disposition of the proceeds thereof; and to repeal, subject to certain reservations, Sections 10377 to 10400, both inclusive, of the Revised Codes of Montana of 1921, and all other Acts and parts of Acts in conflict with this Act.'"

2. That in Section 1, line 8, the word "or" immediately following the word "town" be stricken out and a comma (,) inserted in lieu thereof; and that immediately following the word "municipal" there be inserted the words "or other public."

3. That in Section 1, Subdivision (7), line 3, there be inserted, immediately after the caption of such subdivision, the word "All" and that the capital "I" in the word "Insurance" immediately following be changed to a small "i", and that following the word "person" being the last word in line 3, there be inserted the words "over and above five thousand dollars (\$5,000)," so that such subdivision will read as follows:

"(7) INSURANCE PART OF ESTATE. All insurance payable upon the death of any person, over and above five thousand dollars (\$5,000), shall be deemed a part of his estate for the purpose of the tax, and shall be taxable to the person or persons entitled thereto."

4. That in Section 1, subdivision (8) line 9, the letter "s" be stricken from the word "exemptions" so that the same will read "exemption."

5. That in Section 1, subdivision (8) the period (.) at the end of such subdivision be changed to a comma (,) and that there be added to such subdivision the following:

"and in determining the clear market value of the property so passing by any such transfer the following deductions, and no others shall be allowed; debts of the decedent owing at the date of death, expenses of funeral and last illness, all state, county and municipal taxes which are a lien against property situated in this State at the date of death, the ordinary expenses of administration, including the commissions and fees of executors and administrators and their attorneys actually allowed and paid, and Federal estate taxes due or paid."

6. That in Section 2, subdivision (4), line 3 the word "in" be changed to "is."

7. That in Section 4, Subdivision (1), line 29, the word "or" immediately preceding the word "educational" be stricken out and a comma (,) inserted in lieu thereof, and in line 30, between the words "educational" and "purposes" there be inserted the words "or other public."

8. That in Section 4, subdivision (2), line 32, the figures "\$15,000" be inserted between the figures "\$25,000" and "\$2,000.00."

9. That in Section 4, subdivision (2), line 1, there be inserted between the word "or" and "husband" the words and figures "fifteen thousand dollars (\$15,000) transferred to the."

10. That in Section 8, subdivision (1), line 18, the word "of" between the words "legacy" and "distributive" be changed to "or."

11. That in Section 10, line 30, the letter "s" be added to the word "make" so that it will read "makes."

12. That in Section 11, subdivision (6), line 4, page 11, insert after the word "certificate" the words "of consent."

13. That in Section 15, immediately after the words and figures "Section 15" in line 30, insert the figure "1" in parenthesis (1).

14. That in Section 15, subdivision (1), line 5, page 15, the word "state" be changed to "estate."

15. That in Section 15, subdivision (4), line 30, the word "education" be changed to "Equalization."

16. That in Section 15, subdivision (4), line 2, page 16, insert after the word "court," the words "or State Board of Equalization."

17. That in Section 15, subdivision (6), line 25, the word "of" between the words "estate" and "property" be changed to "or."

18. That in Section 15, subdivision (12), line 5, the word "by" be changed to "be."

19. That in Section 22, line 26, the letter "s" be added to the word "word" so as to read "words."

20. That in Section 22, line 4, after the word "doner," insert the following:

"'Intangible' or 'intangible property' when used in this Act without other qualification, shall be taken to include all moneys, stocks, bonds, notes, securities and credits of all kinds, secured or unsecured."

21. That in Section 23, all of this Section after the word "follows:-" on line 13, be eliminated, and insert in lieu thereof the following:

"The county superintendent of schools of each county in the state must, between the 15th day of August and the 1st day of September, in each year, make and file with the state treasurer a statement and certificate showing the total number of teaching positions in which teachers were employed for a period of at least four months, during the school year ending June 30th immediately preceding, in all of the public schools in such county, including kindergarten, primary grade, district high and county high schools, provided, however, that if during such year, or after the close thereof and before the making of such statement and certificate, any portion of a county has been detached therefrom and adding to another county, or detached therefrom and included in a new county, the number of teaching positions within the portion of such county so detached shall not be included in the statement and certificate of the county superintendent of schools of the county from which the same is detached; but such teaching positions shall be included in the statement and certificate of the county superintendent of schools of the county to which the same is attached, or in the statement and certificate of the county superintendent of schools of the new county.

Between August 15th and September 1st of each year, the State Treasurer shall apportion the said inheritance tax fund to the several counties of the State in proportion to the total number of teaching positions in which teachers were employed for a period of at least four months, in each county, during the preceding school year, as shown by the statements and certificates of the County Superintendents of Schools, filed with the State Treasurer for such school year,



and said State Treasurer must, at the time of making such apportionment, notify the County Superintendent of Schools of each county of the amount of such fund which has been apportioned and distributed to his respective county. Within ten days after receiving each such notice from the State Treasurer each County Superintendent of Schools must apportion the amount received and paid over to his county by the State Treasurer, in the following manner, to-wit: (a) Sixty per centum (60%) thereof shall be apportioned between and among the several school districts, district high schools and county high school in proportion to the total number of teaching positions, in which teachers were employed for at least four months, during the last preceding school year for which a statement and certificate was filed with the State Treasurer by the County Superintendent of Schools, in each such school district, district high and county high school; (b) thirty-five per centum thereof shall be apportioned between and among the several school districts, district high and county high schools in proportion to the aggregate number of days' attendance of all eligible pupils who attended for a period of not less than six weeks during the aforesaid school year in each district school, district high and county high school; (c) five per centum (5%) thereof shall be apportioned between and among the district high schools and county high school in proportion to the number of years of accredited high school work during the aforesaid school year in each such district high and county high school.

Immediately after making such apportionment the County Superintendent of Schools must make and file with the County Treasurer a statement and certificate showing the total amount apportioned to each school district, district high and county high school, and the County Treasurer must, on receiving such statement and certificate, immediately credit the general fund of each school district, district high and county high school with the amount to which each is entitled as shown by such statement and certificate, and such amounts shall be expended for the same purpose for which other moneys deposited to the credit of such funds may be expended, and for no other purpose."

21. That the whole of Section 25 be stricken out, and that there be inserted in lieu thereof the following:

"Section 25. REPEAL. Sections 10377 to 10400, both inclusive of the Revised Codes of Montana, 1921, and all other Acts and parts of Acts in conflict herewith are hereby repealed, provided, however, that such repeal shall not in any wise affect any suit, prosecution or proceeding pending at the time this Act shall take effect, or any right which the State of Montana may have at the time of the taking effect of this Act to claim a tax upon any property, or from any person, under the provisions of any of the sections or Acts hereby repealed or under any prior laws repealed by such Acts and which rights were reserved therein, for which no proceeding has been commenced to collect any tax arising thereunder, and where no proceeding has been commenced to collect any such tax the procedure to collect the same shall conform to the provisions hereof, and such appeal shall not affect any appeal or right of appeal in any suit now pending, or any order or orders fixing or determining the amount of any tax or taxes existing in this state at the time of the taking effect of this Act."

22. Strike out all of Section 29.

23. Renumber Section 30, so as to read Section "29."

And your Committee further recommend that as so amended said bill do pass.

SWIFT, Chairman."

On motion of Swift, report adopted.

"Mr. Speaker:

We, your Committee on Labor, having had under consideration, H. B. No. 98, by Smethurst, being a Bill for an Act entitled: "An Act relating to the weighing of coal loaded by miners or loaders in coal mines, providing penalties for the violation of this Act and repealing all Acts and parts of Acts in conflict herewith," beg leave to report the said Bill back to the House with the recommendation that it do not pass.

STONER, Chairman."

On motion of Stoner, report adopted.

Moved by Gullidge, duly seconded and carried that House adjourn until Thursday, February 1st, at 10:30 A. M.

CALVIN CRUMBAKER, Speaker.

Attest: JAMES A. SHOEMAKER, Chief Clerk.

### THIRTY-SECOND DAY

House of Representatives,  
February 1, 1923.

House convened pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Upon roll call all members present except: Cowley and Gillette, excused.

The Committee on Journal reported as follows:

"Mr. Speaker:

We, your Committee on Journal, have this day examined the Journal for the 31st Legislative day and found the same correct.

BUCHANAN, Chairman."

Report adopted.

The Committee on Printing reported as follows:

"Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bills Nos. 95, 96, 97, 124, 137, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman."

The Committee on Engrossment reported as follows:

"Mr. Speaker:

We, your Committee on Engrossment, to whom was referred House Bills 34, 58, 65, 75, 83, 91, 94, 103, 105, 112 and 115 back as correctly engrossed.

LARSON of Richland, Chairman."

### COMMUNICATIONS AND PETITIONS.

#### COMMUNICATIONS FROM THE SENATE.

Moved by Boorman, duly seconded and carried that the following communications be considered read at length:

"Helena, Montana, January 31, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following standing committee reports were this day adopted:

Committee on Education, House Bill No. 11, and recommend that the same be amended by adding in Section 1 thereof, after the last word in Section 1928 (a) the following: "Provided, however, that in case there are not sufficient amortization bonds available to keep the permanent school and institution funds of the state invested, then in such case, these funds may be invested in other forms of bonds," and as so amended the bill do pass.

Also House Bill No. 9, by Kenyon, report that said bill be concurred in.

Committee on Judiciary, to whom was referred House Bill No. 10, introduced by Pope, beg leave to report and recommend that said bill be concurred in.

Yours respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, January 31, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Joint Memorial No. 4, by Bernard, was this day read first and second time and referred to Committee on Federal Relations.

Yours respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, January 31, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following standing committees reported as follows:

Committee on Education, having had under consideration Senate Bill No. 79, beg leave to recommend that same do pass.

Also Senate Bill No. 85, and recommend that same do pass.

Committee on Stockgrowing and Grazing, having had under consideration Senate Bill No. 73 recommend same do pass; also Senate Bill No. 74, do pass; also Senate Bill No. 81, do pass; Also Senate Bill No. 72 and recommend that same be amended by placing a comma before and after the phrase "or the Department of State whose duty it is to fix the tax levies annually" in the title of the bill; also by placing a comma before and after the phrase "or the Department of State whose duty it is to fix tax levies," said phrase being a part of Section 4 of said bill, and that as so amended the bill do pass.

Yours respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, January 31, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following standing committees reported as follows:

Committee on Agriculture, having had under consideration Senate Bill No. 53, and recommend that same be amended as follows: In Section 1, line 15, after the words "six inches," insert the words "or wider." In Section 1, line 15, after the words "And on and after," insert the word "said"; and that as so amended said Senate Bill No. 53 do pass.

Also Senate Bill No. 63, and recommend that same do pass.

Also Senate Joint Substitute Memorial No. 4 and recommend that same do not pass.

Committee on Roads and Highways, having had under consideration Senate Bill No. 69, introduced by Greenup, and recommend that same do pass.

Yours respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, January 31, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bill No. 99, introduced without previous notice by the unanimous consent of the Senate, a Bill for an Act entitled: "An Act to amend Section 1760 of the Revised Codes of Montana, 1921, relating to registration fees for motor vehicles and the disposition thereof, and repealing all Acts and parts of Acts in conflict herewith," was read first and second time and referred to the Committee on Roads and Highways.

Yours respectfully,

J. F. CONE, Secretary of the Senate."

"January 31, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following standing committee reports were this day made and adopted.

Judiciary Committee: Having had under consideration Senate Bill No. 56 introduced by Speer, beg leave to report and recommend that Senate Substitute for Senate Bill No. 56 be substituted for Senate Bill No. 56 and that said Substitute Bill do pass.

Also Senate Bill No. 70; beg leave to report and recommend that said Bill do not pass.

Also Senate Bill No. 49; beg leave to report and recommend that said Bill be amended by striking out the comma after the word "pressure" in line 2 of the typewritten Bill submitted.

Also Senate Bill No. 67; beg leave to report and recommend that said Bill do pass.

Also Senate Bill No. 77; beg leave to report and recommend that said bill do pass.



Also Senate Bill No. 78; beg leave to report and recommend that said Bill do pass.

Yours respectfully,  
J. F. CONE, Secretary of the Senate."

"January 31, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following notices of bills were this day presented:

By McCone: "An Act providing the method of collection of any special Poll Tax and prescribing the duties of certain county officers in connection therewith."

By Cooper: "An Act amending Section 2038 of the Revised Codes of 1921, relating to traveling expenses of assessors and deputies."

By Greening: "An Act to amend Section 8275 of the Revised Codes of Montana 1921, relating to chattel mortgages."

Yours respectfully,  
J. F. CONE, Secretary of the Senate."

"January 31, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were this day introduced, read first and second times and referred to the following committees:

Senate Bill No. 86, by Dowlin: "An Act to provide for the publication of the State Examiner's report covering the examination of the various county officers as a part of the official proceedings of the Board of County Commissioners of such county." Referred to Committee on Counties and Towns.

Senate Bill No. 87, by Demel: "An Act amending Section 9096 of the Revised Codes of Montana, 1921, relating to the place of trial of civil actions." Referred to Judiciary Committee.

Senate Bill No. 88, by Committee on Military Affairs: "An Act to amend Sections Number 1529-1531-1532-1533 and 1534 of the Revised Codes of Montana, 1921, pertaining to the management and maintenance of the Montana Soldiers' Home, the appointment of the Board of Managers thereof, and the appointment and election of officers thereof." Referred to Committee on Military Affairs.

Senate Bill No. 89, by Healy: "An Act to amend Sections 3859 and 3875 of the Revised Codes of Montana, 1921, relating to the inspection of water craft, appointment of inspectors and their compensation, and inspection and license fees." Referred to Committee on Railroad and Transportation.

Senate Bill No. 90, by Greening: "An Act to fix the limit on stop-payment orders on checks or drafts." Referred to Committee on Banks and Banking.

Senate Bill No. 91, by Duncan: "An Act to amend Section 4811 of the Revised Codes of Montana, 1921, relating to the duties of County Clerks." Referred to Judiciary Committee.

Senate Bill No. 92, by Greening: "An Act requiring bank checks to be presented within a year from date thereof." Referred to Committee on Banks and Banking.

Senate Bill No. 93, by Healy: "An Act fixing the charge to be allowed to any state or county officer for the use of automobile when necessarily used in the performance of his official duty." Referred to Committee on Counties and Towns.

Senate Bill No. 94, by Leighton: "An Act to amend Section 4809 of the Revised Codes of Montana of 1921, relating to the prepayment of fees of County Clerks." Referred to Judiciary Committee.

Senate Bill No. 95, by Dearborn: "An Act regulating the leasing and renewal of leases on state lands for the development of oil and gas." Referred to Committee on Oils and Leases.

Senate Bill No. 96, by Greening: "An Act to amend Section 8412 of the Revised Codes of Montana of 1921, relating to negotiable instruments." Referred to Committee on Banks and Banking.

Senate Bill No. 97, by Mears: "An Act to amend Section 1023 of the Revised Codes of Montana of 1921 relating to the creation of school districts; providing that new school districts shall not be created nor the boundaries of school districts changed between the first day of March and the first day of September following each year." Referred to Committee on Education.

Senate Bill No. 98, by Harmon: "An Act to amend Sections Numbered 5404, 5405, 5411, 5413, 5415, 5418, 5442, 5443, 5444, 5446, 5448, 5449, 5465, 5466, 5470, 5471, 5487, 5502, 5503, 5507, 5515, and 5516 of the Revised Codes of Montana, 1921; relating to the Commission-Manager Plan of Government." Referred to Committee on Counties and Towns.

J. F. CONE, Secretary of the Senate."

"Helena, Montana, January 31, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bill No. 4, introduced by Duncan, entitled: "An Act abolishing the office of State Parole Commissioner and repealing Sections 12516 to 12518 inclusive of the Revised Codes of Montana of 1921," was read three several times, title agreed to, and is herewith transmitted to the House for concurrence.

Also Senate Bill No. 39, introduced by McCone, a bill for an Act entitled: "An Act repealing Sections 675 and 676, Revised Codes of Montana of 1921, relating to the printing of campaign books in the primary election for president," was read three several times, title agreed to, and is herewith transmitted to the House for concurrence.

Also Senate Bill No. 38, introduced by Oliver, a bill for an Act entitled: "An Act amending Section 162 of the Revised Codes of Montana of 1921, relating to the Commissioner of Insurance," was read three several times, title agreed to, and is herewith transmitted to the House for concurrence.

Yours respectfully,

J. F. CONE, Secretary of the Senate."

#### COMMUNICATION FROM THE GOVERNOR

"January 30, 1923.

The Speaker,

House of Representatives,

Helena, Montana.

In response to your resolution of January fifteenth, requesting a detailed report of the operation of the law levying a tax of one per cent on the market value of crude petroleum, I have the honor to herewith transmit, in chart form, the data transcribed from the official records of the Board of Equalization.

There are in this data some phases of outstanding importance to which I wish to call your attention.

The total production of the Cat Creek Field, which has paid nearly the whole of the tax, is shown to be 2,500,000 barrels in round numbers, having a fair market value of approximately \$5,375,000. The license tax is based upon the market value of the oil, and this market value is, I think, fairly and accurately established by the returns made by the 56 Petroleum Corporation. This company sold in open competition during the first nine months of 1922 a monthly average of more than 12,000 barrels of crude oil produced by its wells in the Cat Creek Field. It received for its total of 116,000 barrels sold during that period an average cash price of \$2.15 per barrel. Multiplying the total production of 2,500,000 barrels by this fair market value to give a gross value of \$5,375,000.

There are, however, marked discrepancies shown in the reports as to fair market value. The Franz corporation reports a market value of \$1.63 per barrel, and the Mid-Northern Company a like valuation. These are the two big producers of the Cat Creek Field, their joint production for 1922 having been approximately 2,100,000 barrels. The gross of the market value reported by these companies for the purposes of the one per cent license tax on production, is proportionately less than the market value as reported and paid upon by the 56 Petroleum Corporation by nearly a million dollars, for the single year under consideration. If I am correctly informed, the Franz Corporation is owned by

the Mutual Oil Company, having large refineries in Wyoming. The Mid-Northern Company is owned by the Mid-West Refining Company, operating one of the largest refineries in the country, and also located in Wyoming. The market value reported by these companies is therefore, a price paid to the companies by themselves for their own oil, and the state should not consent thereto, when the market value thus assumed is far below the market value as shown by another company for the same kind of oil from the same field.

The data on the chart accompanying this letter is very pertinent to the discussion of the license tax proposed to the Legislative Assembly in my message at the beginning of the session. Taking the gross value of \$5,375,000 for the oil produced in the Cat Creek Field in 1922, and deducting therefrom as costs of production every single item fairly so chargeable, the resultant net profit is seen to be extraordinarily remunerative in proportion to the gross sum received by the producers. No such wonderful profit making can be shown for any other industry or any other line of business carried on in the State of Montana.

It has been urged that there would be an unfairness in levying an identical license tax upon the oil produced in the Kevin-Sunburt fields and that of the Cat Creek Field, due to the higher value of the latter production. As the values of crude are usually fixed with relation to their Baume gravity, it has been suggested that the Legislative Assembly might meet the equities in the case by establishing two standards of oil, one of 40 per cent Baume and above, and another of less than 40 per cent Baume, the latter to bear the lesser license tax.

This plan, however, may be subject to the criticism that it would involve a complicated system of audit on the part of the state. The probabilities are that a single amendment to the law enacted two years ago, fixing the license tax at three per cent of the gross production, in lieu of the present one per cent rate, would be the best solution of the problem. This plan has the added merit of avoiding new laws that would have to stand the test of court interpretation, the present gross production license tax law having already been sustained by the Supreme Court of Montana. The three per cent gross license tax would meet the objections to the suggested flat barrel tax as applied to high and low price oil.

For instance the three per cent gross rate applied to the current price of one dollar for the Kevin Field would be the equivalent of three cents per barrel. As applied to the current price of two dollars in the Cat Creek Field, the equivalent would be six cents per barrel.

In view of the state's new and growing refining industry, it might be the part of wisdom to remit to the producer of the crude oil a part of the license tax upon such proportion as is refined within the state, allowing the full tax to rest upon all the crude that is not so refined within the state. An entire remission of the license tax to the producer might well be made as to all crude oil actually used in drilling and pumping the wells.

In this connection, and as pertinent to the subject matter of a license tax on gross production of crude oil in Montana, I cannot refrain from calling to your attention the failure of a net income tax to produce a uniformity in revenues for the state.

Taking the returns for the year 1921 of the 56 Petroleum Corporation, the Franz Corporation and the Mid-Northern Oil Company in payment of the net income tax on corporations, affords the most conclusive proof of the soundness of my contention.

The 56 Petroleum Corporation produced 122,594 barrels of oil, from the proceeds of which it paid a net income on \$167,255. The Franz Corporation produced 519,921 barrels of oil, from the proceeds of which it paid on a net income of \$478,140. The Mid-Northern Oil Company produced 492,685 barrels of oil, but accounted for a return on but \$16,600 net income. In other words, this Company, drilling wells of practically the same depth and at the same cost in the same field as did the 56 Petroleum Corporation, and producing four times as many barrels of the same grade of crude oil, made returns on one-tenth of the net profits reported and paid upon by the 56 Petroleum Corporation. The contrast between the reports of these three companies demonstrates, beyond fair discussion, that the theory of net income is wholly discredited.



It has been pointed out that the State of Oklahoma levies a tax of 3 per cent on the gross value of oil produced in that state, which is in lieu of all other taxes. I take it to be sufficient answer to this criticism to suggest that there is no analogy between the status of the treasuries of the State of Oklahoma and the State of Montana.

The former has a surplus of eight million dollars in its state treasury, while Montana faces a deficit approaching three millions.

These facts of record abundantly justify the imposition of a license tax upon crude oil production, as suggested in my Message to the Joint Session on January second. As then pointed out, the people of Montana should reserve for themselves a small pittance of this natural resource of the commonwealth, that in the very nature of things will soon be gone forever, in order to help lift the burden of taxation from the property that cannot be thus removed from the state.

Surely this great industry, whose parent operating company so recently disclosed a stock dividend of 400 per cent above and beyond its regular annual dividends of profit, should not longer be permitted to avoid its own fair share of contributions to the government of the people of Montana.

JOS. M. DIXON, Governor."

Moved by McCormack, duly seconded and carried that copies be made either by mimeographing or printing of the above communications and placed upon the members' desks.

#### NOTICES.

Authors gave notice that they will on tomorrow or some subsequent date introduce bills as follows:

By Scharnikow: "A Bill for an Act entitled: 'An Act establishing a State Highway Commission, prescribing the powers and duties thereof, providing for the appointment of a Highway Engineer, and his assistant and prescribing their duties; providing the method and limitation of expenditures; imposing certain duties upon county officials, assenting to the Federal Aid Road Act of Congress, approved July 11, 1916, and authorizing the State Highway Commission to co-operate with the United States government and the various counties in the State in the construction of roads and bridges; transferring certain funds to the General Fund of the State and repealing Sections 1783, 1784, 1785, 1786, 1799, and 1800 of the Revised Codes of Montana of 1921'."

By Benedict: "A Bill for an Act entitled: 'An Act to amend Section 410 of the Revised Codes of Montana of 1921, relating to the qualifications of civil officers'."

By Benedict: "A Bill for an Act entitled: 'An Act to add one section, to be numbered 4977A to the Revised Codes of Montana of 1921, relating to the additions to cities and towns'."

By Bricker: "A Bill for an Act entitled: 'An Act to establish a game preserve in Jefferson National Forest, in Judith Basin County, for the protection of game animals and birds, to be known as the Little Belt Mountains Game Preserve, and providing penalties for the killing, hunting, trapping and pursuing any game animals or birds in such preserve, or carrying of fire arms therein'."

My Mushbach: "A Bill for an Act entitled: 'An Act to amend Section 7136 of the Revised Codes of Montana of 1921 relating to appointment of Water Commissioners'."

#### REPORTS OF STANDING COMMITTEES.

The following Majority and Minority reports of the Committee on Townships and Counties were received:

"Mr. Speaker:

We, the Majority of your Committee on Townships and Counties, having had under consideration, H. B. No. 26, by Hamilton, a Bill for an Act entitled: "An Act to amend Section 4482 Revised Codes of Montana, 1921, relating to county printing," respectfully report as follows:

That H. B. No. 26 do not pass.

BERNARD,  
BUTTLEMAN,  
NELSON,  
LARSEN of Sheridan,  
BRAY,  
SPENCER, Chairman."

"Mr. Speaker:

We, the Minority of your Committee on Townships and Counties, having had under consideration, H. B. No. 26, introduced by Hamilton, a Bill for an Act entitled: "An Act to amend Section 4482 Revised Codes of Montana, 1921, relating to county printing," respectfully report as follows:

That H. B. No. 26 do pass.

SANDY,  
KELLY of Silver Bow  
BAKER,  
HAMILTON."

Moved by Hamilton, duly seconded that Minority report be adopted.

Moved by Spencer, as a substitute, and duly seconded, that the Majority report be adopted.

Moved by Goodman, as a substitute for all pending motions, and duly seconded, that bill be printed and placed on General Orders.

Previous question moved by Oker, duly seconded and carried.

Question arising on the substitute motion of Goodman, Gullidge demanded a division of the question.

The question arising on that portion of the motion directing the bill to be printed, a majority voted for printing.

The question then arising on that portion of the motion to place on general orders, and a roll call being demanded by McCarty, duly seconded, it carried by the following vote:

Ayes: Andrew, Armstrong, Arnold, Baker, Benedict, Bergstrom, Boorman, Bosley, Brandjord, Burke, Caplis, Carlson (Gallatin), Cavanaugh, Cronk, Davis (Fergus), Dell, Denny, Duffy, Elliott, English, Facey, Fulsher, Gillin, Goodman, Hamilton, Holton, Kelly (Pondera), Kelly, (Silver Bow), Kenyon, Kinville, Larsen (Sheridan), Lemmon, Loble, McCarty, Maury, Murphy, Mushbach, O'Connell, Oker, Pilgeram, Pope, Rasmussen, Ridle, Roscow, Ruffcorn, Sandy, Scharnikow, Smethurst, Stoner, Terrett, Troy, Zuck. Total—52.

Noes: Andrus, Bernard, Berryman, Bohling, Bray, Bricker, Buchanan, Buell, Buttleman, Cady, Carlson (McCone), Clarke, Davis (Wibaux), Dean, Flynn, Gullidge, Hanson, Hawley, Hoffman, Joffray, Johnson, Kennedy, Larson (Richland), Lease, Leavens, McAfee, McCormack, McLeod, Myrick, Nelson, Ostby, Peden, Perrine, Rodgers, Seidensticker, Smith, Spencer, Stoddard, Strange, Swift, Taylor, Tawney, Tierney, Wold, Mr. Speaker. Total—45.

Absent and not voting: Cowley, Gillette, Harris. Total—3.

The following reports of Standing committees were received:

"Mr. Speaker:

We, your Committee on Townships and Counties having had under consideration H. B. No. 155, by Zuck, a Bill for an Act entitled: "An Act to amend Section 4751 of the Revised Codes of Montana of 1921, relating to the receipt for money by the County Treasurer," respectfully report as follows:

That H. B. No. 155 do pass.

SPENCER, Chairman."

On motion of Spencer, report adopted.

"Mr. Speaker:

We, your Committee on Townships and Counties having had under consideration H. B. No. 174, by Bray, a Bill for an Act entitled: "An Act to provide for the letting of contracts for public printing, fixing the prices therefor, pro-

viding for an undertaking for the faithful performance of such contracts, providing a penalty for violation of this Act, and repealing Section 4482 of the Revised Codes of Montana of 1921," respectfully report as follows:

That H. B. No. 174, do pass.

SPENCER, Chairman."

On motion of Spencer, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration H. B. No. 169, by Burke, entitled: "An Act to amend Section 9432 of the Revised Codes of Montana of 1921 relating to notice of sale, how sale given, copy of notice, by amending subdivision two thereof," respectfully report back with the recommendation that it do not pass.

KENYON, Chairman."

On motion of Smith, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration H. B. No. 33, by Facey, Hamilton, Roscow, and McCarty, entitled: "An Act amending Sections 8883, 8884, 8886, 8887, and 8889 of Chapter 13, and Sections 8890, and 8894 of Chapter 14 of the Revised Codes of Montana of 1921 relating to different kinds of juries defined and qualifications and exemptions of jurors," respectfully report back with the recommendation that the title of the Bill be amended as follows:

Add to the title, after the last word, "jurors," the words "and selecting and returning jurors," and that Section 10, as heretofore amended be amended by adding thereto the words, "Provided that until January 1st, 1924, jurors shall be selected and chosen in the manner heretofore provided by law," and as then so amended the bill do pass.

KENYON, Chairman."

On motion of Smith, report adopted.

"Mr. Speaker:

We, your Committee on Insurance, having had under consideration S. B. No. 20, by Insurance Committee, a Bill for an Act entitled: "An Act amending Section 6124 of the Revised Codes of Montana of 1921, relating to certain duties of the State Auditor and Commissioner of Insurance," respectfully report as follows:

That S. B. No. 20 be concurred in as amended.

Amended by adding: "Section 3. This Act shall be in effect from and after its passage and approval."

WOLD, Chairman."

On motion of Wold, report adopted.

"Mr. Speaker:

We, your Committee on Insurance, having had under consideration S. B. No. 32, by Henderson, a Bill for an Act entitled: "An Act providing for the participation of policy holders in the election of directors of corporations organized in this state for the transaction of the business of life insurance upon the stock plan, and repealing any and all Acts or parts of Acts in conflict herewith, and providing for this Act becoming effective upon passage and approval," respectfully report as follows:

That S. B. No. 32 be concurred in.

WOLD, Chairman."

On motion of Wold, report adopted.

"Mr. Speaker:

We, your Committee on Banks and Banking, having had under consideration H. B. No. 131, by Goodman, a Bill for an Act entitled: "An Act to amend Section 6105 of the Revised Codes of Montana of 1921 relating to compensation and expenses of State Examiner," respectfully report as follows:

That H. B. No. 131 be referred back to the House with the recommendation that it do pass.

JOHNSON, Chairman."

On motion of Johnson, report adopted.



"Mr. Speaker:

We, your Committee on Federal Relations, having had under consideration H. J. M. No. 6, by Hawley, "Petition to Congress enacting such laws and measures as will provide for a 'Great Lakes-St. Lawrence Waterway Project,'" respectfully report as follows:

That H. J. M. No. 6 do pass.

HAWLEY, Chairman."

On motion of Hawley, report adopted.

"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration H. B. No. 165, by Appropriations Committee, "An Act appropriating money for the maintenance of the Industrial Accident Board for the fiscal year beginning July 1, 1922 and ending June 30, 1923 and to rectify a mis-appropriation made by the Seventeenth Legislative Session," respectfully report as follows:

That H. B. No. 165, do pass.

BUELL, Chairman."

On motion of Buell, report adopted.

"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration H. B. No. 166, by Appropriation Committee, "An Act to authorize the Live-stock Commission to expend moneys collected," respectfully report as follows:

That H. B. No. 166, do pass.

BUELL, Chairman."

On motion of Buell, report adopted.

"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration H. B. No. 171, by Mushbach, "An Act appropriating money to reimburse the heirs of Tony Early for loss of interest on payments made to the State Board of Land Commissioners for the purchase of lands and loss of improvements on said lands, to which the State of Montana was unable to give patent and from which said Tony Early as such purchaser, was subsequently ejected," respectfully report as follows:

That H. B. No. 171 do pass.

BUELL, Chairman."

On motion of Buell, report adopted.

With unanimous consent, the Members of the Committee on Public Morals, Charities and Reforms were excused for committee work.

#### INTRODUCTION OF BILLS AND MEMORIALS

The following Senate Bills were introduced, read first and second times by title and history only, and referred to Committees as follows:

S. B. No. 4, by Duncan: "A Bill for an Act entitled: 'An Act abolishing the office of State Parole Commissioner and repealing Sections 12516 to 12518 inclusive of the Revised Codes of Montana of 1921.'" (Committee on State Boards and Officers).

S. B. No. 38, by Oliver: "A Bill for an Act entitled: 'An Act amending Section 162 of the Revised Codes of Montana of 1921, relating to the Commissioner of Insurance.'" (Committee on Insurance).

S. B. No. 39, by McCone: "A Bill for an Act entitled: 'An Act repealing Sections 675 and 676, Revised Codes of Montana of 1921, relating to the printing of campaign books in the primary election for president.'" (Committee on Privileges and Elections).

The following House Bills were introduced, read first and second times by title only, and referred to committees as follows:

H. B. No. 378, by Myrick, Pilgeram and Bricker: "A Bill for an Act entitled: 'An Act providing for the foreclosure of mortgages containing a power of sale, by advertisement, outlining procedure, and providing for pur-

chase at such foreclosure sale by the mortgagee or his representatives'." (Committee on Banks and Banking).

H. B. No. 179, by Tawney: "A Bill for an Act entitled: 'An Act imposing a license tax upon every person, corporation, or association, owning or operating a telephone or telegraph line or system wholly or in part within the State of Montana'." (Committee on Revenue and Taxation).

H. B. No. 180, by Boorman and Pope: "A Bill for an Act entitled: 'An Act amending Sections 11052, 11071, 11075, 11079 and 11084, and repealing Sections 11058, 11072, 11095, 11093, 11097, 11098, 11099 and 11104, of the Revised Codes of Montana of 1921, relating to governing, manufacture, sale and use of intoxicating liquors.' " (Committee on Public Morals, Charities and Reforms.)

H. B. No. 181, by Pilgeram: "A Bill for an Act entitled: 'An Act to amend Section 3701 of the Revised Codes of Montana of 1921, relating to the open season for grouse, etc.' " (Committee on Fish and Game.)

### MOTIONS AND RESOLUTIONS.

Moved by Goodman, and duly seconded that action of House in adopting the majority report of the Committee on Privileges and Elections with reference to House Bill No. 8 be reconsidered.

The question being put, and the noes appearing to have it, Goodman, seconded by fifteen other members, demanded a call of the House. All present except three.

Moved by Boorman, duly seconded and carried that further proceedings under the call of the House be dispensed with.

Previous question moved by Kenyon, duly seconded and carried.

Upon request of McCormack for roll call, duly seconded, the question having arisen on the motion of Goodman to reconsider, it carried by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Boorman, Bray, Burke, Buttleman, Carlson (Gallatin), Clarke, Davis (Fergus), Davis (Wibaux), Dell, Denny, English, Flynn, Fulsher, Goodman, Gullidge, Hamilton, Joffray, Kelly (Pondera), Kennedy, Kinville, Leavens, Lemmon, McCarty, McLeod, Maury, Murphy, Mushbach, Nelson, O'Connell, Pope, Ridle, Rodgers, Roscow, Scharnikow, Seidensticker, Smith, Spencer, Stoddard, Terrett, Troy, Wold, Zuck. Total, 50.

Noes: Bernard, Bohling, Bosley, Brandjord, Bricker, Buchanan, Buell, Cady, Caplis, Carlson (McCone), Cavanaugh, Cronk, Dean, Duffy, Elliott, Facey, Gillin, Hanson, Harris, Hawley, Hoffman, Holton, Johnson, Kelly (Silver Bow), Kenyon, Larson (Richland), Larsen (Sheridan), Lease, Loble, McAfee, McCormack, Myrick, Oker, Ostby, Peden, Perrine, Pilgeram, Rasmussen, Ruffcorn, Sandy, Smethurst, Stoner, Strange, Swift, Taylor, Tawney, Tierney, Mr. Speaker. Total, 48.

Absent and not voting: Cowley and Gillette. Total, 2.

The majority and minority reports of the Committee on Privileges and Elections with reference to H. B. No. 8 were re-read.

The question then arose on the motion, made yesterday, by Ruffcorn, that the House adopt the majority report.

Moved by Goodman, as a substitute motion for all pending motions, and duly seconded that the bill be printed.

Moved by Rodgers, as a substitute, duly seconded and carried, that the bill be re-referred to the Committee on Privileges and Elections with instructions to amend the bill, adding thereto a referendum clause.

Upon request of Lease, and with unanimous consent, the Substitute Committee on Budget was excused for the afternoon to do committee work.

Moved by Gullidge, duly seconded and carried that the House recess until 2:00 p. m.

## AFTERNOON SESSION.

House resumed at 2:00 p. m.  
Mr. Speaker in the chair.

## MOTIONS AND RESOLUTIONS.

Moved by Buell, duly seconded and carried that H. B. No. 177 be re-referred to the Committee on Appropriations.

Moved by McCormack, duly seconded and carried, that consideration of Senate Bill 31 and H. B. No. 52, now on general orders be postponed until tomorrow.

## THIRD READING OF SENATE BILLS.

S. B. No. 9, by Duncan, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Bohling, Boorman, Brandjord, Bray, Bricker, Buchanan, Burke, Buttelman, Cady, Caplis, Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, English, Facey, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Leavens, Lemmon, Loble, McCarty, Maury, Murphy, Mushbach, Myrick, Nelson, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Zuck, Mr. Speaker. Total, 84.

Noes: None.

Absent and not voting: Bernard, Bosley, Buell, Carlson (Gallatin), Cowley, Elliott, Flynn, Gillette, Harris, Lease, McAfee, McCormack, McLeod, O'Connell, Roscow, Wold. Total, 16.

S. B. No. 11, by Healy, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Bohling, Brandjord, Bricker, Buchanan, Burke, Buttelman, Cady, Caplis, Carlson (McCone), Cavanaugh, Clarke, Davis (Fergus), Davis (Wibaux), Dean, Dell, Duffy, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Leavens, Loble, McCarty, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, Oker, Ostby, Peden, Perrine, Pilgeram, Rasmussen, Ridle, Roscow, Ruffcorn, Sandy, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Zuck, Mr. Speaker. Total, 80.

Noes: Bernard, Bray, McCormack, Pope, Rodgers. Total, 5.

Absent and not voting: Boorman, Bosley, Buell, Carlson (Gallatin), Cowley, Cronk, Denny, Elliott, Gillette, Lease, Scharnikow, Wold, Lemmon, McAfee, O'Connell. Total, 15.

## THIRD READING OF HOUSE BILLS.

Moved by Gullidge, duly seconded and carried that all bills on third reading with the exception of H. B. No. 94, be read by title and history only, in accordance with the notice given on the thirteenth day.

H. B. No. 34, by Gullidge, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Benedict, Berryman, Bray, Bricker, Buchanan, Buell, Burke, Cady, Caplis, Carlson (Gallatin), Cavanaugh, Clarke, Davis (Wibaux), Dean, Dell, Denny, English, Flynn, Goodman, Gullidge, Hanson, Hawley, Hoffman, Joffray, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Leavens, Loble, McLeod, Murphy,



Maury, Mushbach, Myrick, Oker, Ostby, Peden, Pilgeram, Pope, Ridle, Rodgers, Roscow, Ruffcorn, Scharnikow, Seidensticker, Smith, Spencer, Stoddard, Tawney, Terrett, Tierney, Mr. Speaker, Davis (Fergus). Total, 60.

Noes: Baker, Bergstrom, Bohling, Buttelman, Carlson (McCone), Facey, Fulsher, Gillin, Hamilton, Harris, Holton, Larsen (Sheridan), McCarty, McCormack, Nelson, Perrine, Rasmussen, Sandy, Smethurst, Stoner, Strange, Swift, Taylor, Troy, Zuck. Total, 25.

Absent and not voting: Bernard, Boorman, Bosley, Brandjord, Cowley, Cronk, Duffy, Elliott, Gillette, Johnson, Lease, Lemmon, McAfee, O'Connell, Wold. Total, 15.

H. B. No. 58, by Rodgers, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Baker, Benedict, Bernard, Berryman, Boorman, Brandjord, Bray, Bricker, Buchanan, Buell, Burke, Buttelman, Caplis, Carlson (Gallatin), Cavanaugh, Clarke, Davis (Fergus), Dean, Dell, Denny, English, Facey, Flynn, Goodman, Gullidge, Hamilton, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Silver Bow), Kennedy, Kinville, Larsen (Sheridan), Loble, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Nelson, Oker, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Spencer, Stoddard, Strange, Taylor, Tawney, Terrett, Troy, Mr. Speaker. Total, 64.

Noes: Arnold, Bergstrom, Bohling, Cady, Carlson (McCone), Davis (Wibaux), Kelly (Pondera), Kenyon, Larson (Richland), Leavens, Ostby, Peden, Perrine, Pilgeram, Seidensticker, Smethurst, Stoner, Tierney. Total, 18.

Absent and not voting: Bosley, Cowley, Cronk, Duffy, Elliott, Fulsher, Gillette, Gillin, Hanson, Lease, Lemmon, McAfee, Myrick, O'Connell, Smith, Swift, Wold, Zuck. Total, 18.

H. B. No. 65, by Cavanaugh, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling Brandjord, Bray, Bricker, Buchanan, Burke, Buttelman, Cady, Caplis, Carlson (McCone), Cavanaugh, Gillin, Clarke, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, English, Facey, Flynn, Fulsher, Goodman, Gullidge, Hamilton, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kinville, Larson (Richland), Larsen (Sheridan), Leavens, Loble, McCarty, McCormack, McLeod, Murphy, Mushbach, Nelson, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Mr. Speaker. Total, 79.

Noes: Maury. Total, 1.

Absent and not voting: Andrus, Boorman, Bosley, Buell, Carlson (Gallatin), Cowley, Cronk, Duffy, Elliott, Gillette, Hansen, Kenyon, Lease, Lemmon, McAfee, Myrick, O'Connell, Spencer, Wold, Zuck. Total, 20.

H. B. No. 75, by Sandy, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Brandjord, Bray, Bricker, Burke, Buttelman, Caplis, Carlson (McCone), Cavanaugh, Clarke, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kinville, Larson (Richland), Larsen (Sheridan), Lemmon, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Nelson, Oker, Ostby, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Mr. Speaker. Total, 77.

Noes: Hanson, Leavens, Peden. Total, 3.

Absent and not voting: Boorman, Bosley, Buchanan, Buell, Cady, Carlson (Gallatin), Cowley, Cronk, Elliott, Gillette, Kenyon, Lease, Loble, McAfee, Myrick, O'Connell, Perrine, Spencer, Wold, Zuck. Total, 20.

H. B. No. 83, by Bosley, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Brandjord, Bray, Bricker, Buchanan, Burke, Buttelman, Cady, Caplis, Carlson (McCone), Cavanaugh, Clarke, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, English, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Silver Bow), Kennedy, Kinville, Larson (Richland), Larsen (Sheridan), Leavens, Lemmon, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Nelson, Ostby, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Tierney, Troy, Mr. Speaker. Total, 76.

Noes: Armstrong, Facey, Kelly (Pondera), Terrett. Total, 4.

Absent and not voting: Arnold, Boorman, Bosley, Buell, Carlson (Gallatin), Cowley, Cronk, Elliott, Gillette, Kenyon, Lease, Loble, McAfee, Myrick, O'Connell, Oker, Peden, Spencer, Wold, Zuck. Total, 20.

H. B. No. 91, by Scharnikow, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Brandjord, Bray, Bricker, Buchanan, Burke, Buttelman, Cady, Caplis, Carlson (McCone), Cavanaugh, Clarke, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, English, Facey, Flynn, Fulsher, Gillin, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kinville, Larson (Richland), Larsen (Sheridan), Leavens, Lemmon, McCarty, McCormack, McLeod, Murphy, Mushbach, Myrick, Nelson, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Taylor, Tawney, Terrett, Tierney, Troy, Zuck, Mr. Speaker. Total, 82.

Noes: Andrew, Goodman. Total, 2.

Absent and not voting: Boorman, Bosley, Buell, Carlson (Gallatin), Cowley, Cronk, Elliott, Gillette, Kenyon, Lease, Loble, McAfee, Maury, O'Connell, Swift, Wold. Total, 16.

H. B. No. 94, by Larsen of Sheridan, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Brandjord, Bray, Bricker, Buchanan, Burke, Buttelman, Cady, Caplis, Carlson (McCone), Cavanaugh, Clarke, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Leavens, Lemmon, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, Oker, Ostby, Peden, Perrine, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Taylor, Tawney, Terrett, Tierney, Troy, Zuck, Mr. Speaker. Total, 83.

Noes: Seidensticker. Total, 1.

Absent and not voting: Andrew, Bosley, Buell, Carlson (Gallatin), Cowley, Cronk, Elliott, Gillette, Lease, Loble, McAfee, O'Connell, Pilgeram, Scharnikow, Swift, Wold. Total, 16.

H. B. No. 103, by Bricker, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Brandjord, Bricker, Buchanan, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Davis (Fergus), Davis (Wibaux), Dean, Dell, Duffy, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Leavens, Lemmon, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, Oker, Ostby, Peden, Perrine, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Seidensticker, Smith, Spencer, Stoddard, Stoner, Strange, Taylor, Tawney, Terrett, Tierney, Troy, Zuck, Mr. Speaker. Total, 82.

Noes: None.



Absent and not voting: Andrew, Bosley, Bray, Buell, Cowley, Cronk, Denny, Elliott, Gillette, Lease, Loble, McAfee, O'Connell, Pilgeram, Scharnikow, Smethurst, Swift, Wold. Total, 18.

Moved by Goodman, duly seconded and carried that H. B. No. 105 be taken off the calendar for third reading and be re-referred to general orders.

H. B. No. 112, by McLeod, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Arnold, Baker, Bergstrom, Bernard, Berryman, Bohling, Boorman, Brandjord, Bricker, Buchanan, Buell, Buttelman, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Davis (Wibaux), Dean, Dell, Denny, Duffy, Facey, Flynn, Gullidge, Hamilton, Hanson, Harris, Hawley, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Leavens, Lemmon, Loble, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, Oker, Ostby, Perrine, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Seidensticker, Smith, Spencer, Stoddard, Stoner, Taylor, Tawney, Tierney, Zuck, Troy, Mr. Speaker. Total, 72.

Noes: Armstrong, Benedict, Burke, Davis (Fergus), Fulsher, Gillin, Goodman, Hoffman, Peden, Pilgeram, Smethurst, Strange, Terrett, Mr. Speaker. Total, 14.

Absent and not voting: Bosley, Bray, Cady, Cowley, Cronk, Elliott, English, Gillette, Lease, McAfee, O'Connell, Scharnikow, Swift, Wold. Total, 14.

H. B. No. 115, by Terrett, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Armstrong, Arnold, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Brandjord, Bricker, Buell, Bray, Buchanan, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Leavens, Lemmon, Loble, McCarty, McCormack, McLeod, Murphy, Mushbach, Myrick, Nelson, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rogers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Stoddard, Stoner, Strange, Taylor, Tawney, Terrett, Tierney, Troy, Zuck, Mr. Speaker. Total, 86.

Noes: Baker, Maury. Total, 2.

Absent and not voting: Andrus, Bosley, Cowley, Cronk, Elliott, Gillette, Lease, McAfee, O'Connell, Spencer, Swift, Wold. Total, 12.

Upon request of McCormack, and with unanimous consent, reverted to:

## NOTICES.

Authors gave notice that they will on tomorrow or some subsequent date introduce bills as follows:

By Caplis, by request: "A Bill for an Act entitled: 'An Act to provide for the periodical inspection of elevators operated in places of employment in this State; to require a safety certificate for such operation; to make it a misdemeanor to operate such elevator without such certificate; and to provide for an injunction against such operation if dangerous to the life or safety of employees; to vest in the Industrial Accident Board the power to make such inspections and determine the competency of inspectors and require reports of inspections; to issue such certificates and prescribe maximum fees therefor and to require that the erecting plan of every elevator hereafter installed be submitted for approval to the industrial accident board.'"

By Johnson: "A Bill for an act entitled: 'An Act providing for the selection of alternate jurors in criminal cases; how they shall be chosen and their rights and duties.'"

By McCormack: "A Bill for an Act entitled: 'An Act authorizing the establishment of fiscal agencies for the payment of bonds and bond interest coupons which are issued by the State of Montana, and all counties, cities, towns, school districts,



boards of education, irrigation districts or other municipalities of the State of Montana; prescribing the regulations to govern the same, and repealing all acts and parts of acts in conflict herewith.' "

By Flynn, Andrus, Holton, Davis (Wibaux), Clarke, Bergstrom, Sandy, McCarty, Bohling, Zuck, Larsen (Sheridan): "A Bill for an Act entitled: 'An Act establishing the eastern Montana State Normal College, defining the objects of its establishment, providing for the control, supervision and management thereof, and making the same a part of the University of Montana, and making an appropriation for the acquisition, construction, equipping and renting of the necessary buildings, and for the support, equipment and maintenance of said college.' "

By Larsen of Sheridan: "A Bill for an Act entitled: 'An Act to amend Section 3478, Chapter 252, Revised Codes of Montana 1921, known as the coal mining code relative to the obtaining of certificates by mine foremen, mine examiners and fire bosses in certain coal mines need not obtain such certificates.' "

By Terrett, by request: "A Bill for an Act entitled: 'An Act to amend Section 4454 of the Revised Codes of the State of Montana 1921, relative to the appointment of county commissioners by judges of the district court when vacancies occur.' "

By Smethurst: "A Bill for an Act entitled: 'An Act to amend Sections 2865, 2867, 2891, 2892, 2898, 2899, 2900, 2905, 2906, 2907, 2911, 2912, 2913, 2914, 2915, 2916, 2917, 2918, 2919 2920 of the Revised Codes of Montana of 1921, relating to the workmen's compensation law and repeal Sections 2893, 2994, 2895, 2897, 2909, and 2910 of the Revised Codes of Montana of 1921, relating to the workmen's compensation laws.' "

By Terrett and Kelly of Pondera: "A Bill for an Act entitled: 'An Act to amend Chapter 117 of the Revised Codes of the State of Montana of 1921, repealing Section 1569, and amending Section 1567.' "

By Davis of Wibaux: "A Bill for an Act entitled: 'An Act to provide for the creation of county commissioners districts and to provide for the manner in which the same shall be created.' "

By Cady: "A Bill for an Act entitled: 'An Act to amend Sections 2840, 2849, 2914, 2920, 2940, 2994, and 2995 of Chapter 213 Revised Codes of Montana, 1921, known as the workmen's compensation act; relating to compensation plan No. 3, when a public corporation is the employer, duty or governing body of such corporations and manner of determining who are employees of such corporations; defining inherently hazardous occupations; specifying the manner and amount of payment for partial disability and providing payment for percentage of disability, specifying the compensaton payable for specific injuries and the basis for making payment thereof; defining the powers of the board and providing notice to employees when coverage is cancelled; providing for deposits by employers under plan three; designating the manner of making compensation assessments and providing for yearly adjustments based on employers pay rolls.' "

By Stoner: "A Bill for an Act entitled: 'An Act to repeal Sections 3040, 3041, 3042, and 3043 of Chapter 215, Revised Codes of Montana 1921, which requires certain employers to make reports to the Industrial Accident Board concerning alien and illiterate employees and authorizes said board to prescribe rules and regulations and to fix penalties with reference thereto.' "

By Benedict: "A Bill for an Act entitled: 'An Act for a law conferring upon the councils of cities and towns owning public cemeteries, power to create cemetery boards with the jurisdiction to regulate and control such cemeteries, conferring upon such councils power to define the duties of such boards, and the power to levy upon property located within such cities and towns not to exceed two mills on the dollar of assessed valuation for the support and maintenance of such cemeteries.' "

By Caplis, Kelly of Silver Bow, Kinville, Andrew, Cavanaugh, McLeod: "A Bill for an Act entitled: 'An Act to provide a form of government for the consolidation of cities and counties as provided in Section 7 of Act 16 of the Constitution of the State of Montana as amended.' "

By Hanson: "A Bill for an Act entitled: 'A Bill to authorize the State Board of Equalization to review and determine the necessity and advisability to issue bonds by any county or taxing district, and limiting the date of interest on municipal bonds.'"

The Committee on Enrollment, reported as follows:

"We, your Committee on Enrollment beg to report H. B. No. 5 correctly enrolled.

McAFEE, Chairman."

"Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bills Nos. 127, 141, 149 and Sub. H. B. No. 28, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman."

The Speaker gave notice that he was about to sign Substitute for H. B. No. 5, and thereupon signed the same.

Upon request of Facey, and with unanimous consent, reverted to:

### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received:

"Mr. Speaker:

We, your Committee on Public Morals, Charities and Reforms, having had under consideration H. B. No. 159, by Maury, Troy, Andrew, Caplis, Kinville, Cavanaugh, English, Mushbach, Dell, Joffray, Carlson of McCone, Andrus, Burke, O. P. Davis, Duffy, Cady, Bosley, Murphy, Clarke, Gillin, McLeod, Seidensticker and Bricker: "A Bill for an Act entitled: 'An Act to repeal all of the Sections of the Revised Codes of the State of Montana between Sections 11048 and 11122, both inclusive, being all of Chapter 29 of the Penal Code of the State of Montana, 1921, and relating to the regulations governing the manufacture, sale and use of intoxicating liquors,' " respectfully report as follows:

That H. B. No. 159 do not pass.

FACEY, Chairman."

On motion of Facey, report adopted.

Davis of Fergus requested that his name be removed from H. B. No. 159, as one of the introducers.

Previous question moved by Bernard, duly seconded and carried.

Question arose on motion of Facey, Maury requested roll call; duly seconded.

Facey, seconded by fifteen members, demanded a call of the House.

All members present except six.

Moved by Boorman, duly seconded and carried that further action upon the call of the House be dispensed with.

The question arising on the motion of Facey that the report of the Committee on Public Morals and Reforms be adopted, it carried by the following vote:

Ayes: Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Brandjord, Bricker, Buchanan, Buell, Buttelman, Carlson (Gallatin), Cronk, Davis (Fergus), Davis (Wibaux), Dean, Denny, Elliott, Facey, Flynn, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Holton, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kenyon, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, McAfee, McCarty, McCormack, Myrick, Nelson, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Wold, Zuck, Mr. Speaker. Total, 71.

Noes: Andrew, Andrus, Bray, Burke, Cady, Caplis, Carlson (McCone), Cavanaugh, Clarke, Dell, Duffy, English, Fulsher, Gillin, Hoffman, Joffray, Kennedy, Kinville, McLeod, Maury, Murphy, Mushbach, Seidensticker, Troy. Total, 24.

Absent and not voting: Bosley, Cowley, Gillette, Loble, O'Connell. Total, 5.

Moved by Gullidge, duly seconded and carried that the House adjourn until Friday, February 2, at 10:30 a. m.

CALVIN CRUMBAKER, Speaker.

Attest: J. A. SHOEMAKER, Chief Clerk.

## THIRTY-THIRD DAY

House of Representatives,  
February 2, 1923.

House convened pursuant to adjournment at 10:30 a. m.

Mr. Speaker in the chair.

Prayer by the Chaplain.

On roll call, all members present except: Cowley, Gillette and Mushbach, excused.

The Committee on Journal reported as follows:

"Mr. Speaker:

We, your Committee on Journal, have this day examined the Journal for the 32nd legislative day and found the same correct.

BUCHANAN, Chairman."

Report adopted.

## COMMUNICATIONS AND PETITIONS.

## COMMUNICATIONS FROM THE SENATE.

"February 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following standing committees reports were this day presented and adopted:

Committee on Rules: Having had under consideration Joint Rule No. 26, recommend that the word "shall" in line 2 be stricken out and the word "may" be inserted in lieu thereof; also the word "shall" in line 6 be stricken from the Rule and the word "may" be inserted in lieu thereof.

Also having had under consideration Joint Rules, recommend that Joint Rule No. 23 be abrogated.

Committee on Taxation: Having had under consideration Senate Bill No. 64, introduced by Stewart of Meagher, beg leave to recommend that said bill do pass.

Committee on Education: Having had under consideration Senate Bill No. 58, introduced by Healy, beg leave to recommend that same do not pass.

Also having had under consideration Senate Bill No. 82, introduced by Greenup, beg leave to report and recommend that same do not pass; and that Substitute for Senate Bill No. 82, introduced by Greenup, do pass.

Committee on Roads and Highways: Having had under consideration Senate Bill No. 99, introduced by Henderson, beg leave to report and recommend that said bill do pass.

Respectfully yours,

J. F. CONE, Secretary of the Senate."

Moved by Gullidge, duly seconded and carried that the portion of the communication regarding rules be referred to the Committee on Rules, Joint Rules and Order of Business.

"Helena, Montana, February 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 9, introduced by Kenyon, was this day read three several times, concurred in as amended, and is herewith transmitted to the House for concurrence in Senate amendments.

Respectfully yours,

J. F. CONE, Secretary of the Senate."

Moved by Boorman, duly seconded and carried that the following Senate communications be considered read at length:

"Helena, Montana, February 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 10, introduced by Pope, was this day read three several times, concurred in, title agreed to, and is herewith returned to the House.

Respectfully yours,

J. F. CONE, Secretary of the Senate."



"Helena, Montana, February 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bill No. 57, introduced by Leuthold, entitled: "An Act to amend Section 1652 of the Revised Codes of Montana of 1921, relating to special road districts, objects, powers and duties," was this day read three several times and passed, title agreed to, and is herewith transmitted to the House for concurrence.

Respectfully yours,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that on motion of Senator Paul, duly seconded and carried, that upon receipt of a report from the House, stating that a Senate Bill has been amended in the House, such bill being in the possession of the Senate, the order of business shall be one of the following motions:

(1) A motion from the floor of the Senate to concur in the bill as amended, and a roll call vote to be taken on such motion to concur: or

(2) A motion from the floor of the Senate to place the bill as amended on general file for further consideration by the Senate; or

(3) A motion to reject the amendements and to appoint a conference committee.

Respectfully yours,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee of the Whole to whom was referred business on general file, having had the same under consideration, report as follows:

H. B. No. 9 be amended—Section 4 by striking out in line 3 of the original bill, after the word "such," the word "school," and inserting in lieu thereof the word "district," and that as amended recommend that same be concurred.

Also House Bill No. 10, and recommend that same be concurred in.

Also House Bill No. 11, and recommend that same be amended—Section 3—1932 B—by inserting after the word "state" in line 18 of the printed bill the following words: "Provided, however, that no such loan shall be made for more than 40 per cent of the actual value of the land," and as amended the same be concurred in.

Respectfully yours,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were this day introduced, read first and second times and referred to the following committees:

Senate Bill No. 100, by McCone: "An Act providing the method of collection of any special poll tax and prescribing the duties of certain county officers in connection therewith." Committee on Counties and Towns.

Senate Bill No. 101, by Speer: "An Act providing the fees to be paid by foreign corporations for filing a certified copy of its charter of articles of incorporation in the office of the Secretary of State of the State of Montana." Committee on Corporations Other Than Municipal.

Senate Bill No. 102, by Cooper: "An Act amending Section 2038 of the Revised Codes of Montana, 1921, relating to traveling expenses of assessors and deputies." Committee on Counties and Towns.

Senate Bill No. 103, By Speer: "An Act to amend Section 5993, Revised Codes of Montana, 1921, relating to manner of making capital stock of domestic corporations assessable." Committee on Corporations Other Than Municipal.

Senate Bill No. 104, by Peterson: "An Act to amend Section 6445 of the Revised Codes of Montana of 1921, relating to reports of co-operative associations, and providing for an examination of the accounts of such association." Committee on Agriculture.

Senate Bill No. 105, by Peterson: "An Act to repeal every one of Sections 1783 to 1802 inclusive, being Chapter 139, of the Revised Codes of Montana of 1921, such sections and such chapter being also known as the State Highway Commission Act, and to repeal House Bill No. 400 of the 17th Legislative Assembly of the State of Montana." Committee on Roads and Highways.

Respectfully yours,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following House bills were this day read first and second times and referred to the following committees:

House Bill No. 35, referred to the Committee on Privileges and Elections.

House Bill No. 27, referred to the Committee on Constitutional Amendments.

Respectfully yours,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that on motion of Senator Harmon, duly seconded and carried, the minimum number of Senate Bills to be printed shall be 500, and the maximum number shall be 750. The Sergeant-at-Arms to use his discretion in fixing the exact number of any bill to be printed.

Respectfully yours,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following standing committee reports were this day adopted:

Committee on Judiciary, to whom was referred House Bill No. 80, introduced by Zuck, having had the same under consideration, beg leave to report and recommend that said bill be not concurred in.

Also House Bill No. 60, introduced by Cavanaugh, having had the same under consideration, beg leave to report and recommend that said bill be not concurred in.

Also House Bill No. 78, introduced by the House Committee on Judiciary, having had the same under consideration, beg leave to report and recommend that said bill be not concurred in.

Bills herewith returned.

Yours respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that on motion of Senator Duncan, duly seconded and carried, that the vote by which the report of the Committee on Judiciary was adopted on January 31st, in which House Bill No. 80, by Zuck, was recommended for non-concurrence, be reconsidered and recalled from the House and re-referred to the Committee on Judiciary.

Respectfully yours,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee of the Whole to whom was referred business on general file, having had the same under consideration, report as follows:

Senate Bill No. 28, by Oliver, and recommend that the enacting clause be stricken out.

Also Senate Bill No. 48, by Garber, and recommend that the same do pass.

Also Senate Bill No. 68, by Adams, and recommend that the same do pass.

Respectfully yours,

J. F. CONE, Secretary of the Senate."

"February 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following notices of bills were this day presented and read:

By Greenup: "An Act to amend Section 2191 of the Revised Codes of Montana of 1921, relating to the sale of real estate for taxes due thereon."

By Porter: "An Act abolishing the office of State Epidemiologist, and re-realing Sections 2540 to 2542, inclusive of the Revised Codes of Montana of 1921."

By Cowan: "An Act limiting the contract-making power of the board of commissioners of irrigation districts organized under Sections 7166 to 7264, both inclusive, of the Revised Statutes of Montana, 1921."

By Cowan: "An Act to limit the debt-incurring power of commissioners of irrigation districts organized under Sections 7166 to 7264, both inclusive, of the Revised Statutes of Montana, 1921, and repealing Sections 7208 and 7251 of said Revised Statutes."

By Staggs: "An Act to amend Section 537, Revised Codes of Montana of 1921, relating to the manner of publication of proposed constitution, constitutional amendments or other questions to be submitted to the people of Montana for popular vote, and repealing Section 105 of the Revised Codes of 1921."

By McQuitty: "An Act to amend Section 5194 of the Revised Codes of Montana of 1921, relating to the levy of taxes by municipalities for general municipal, administrative and park purposes."

By McQuitty: "An Act to amend Section 1203 of the Revised Codes of 1921 relating to special school tax."

By Rhoads: "An Act to establish a game and bird preserve in Teton county."

By Mains: "An Act providing for an interlocutory decree upon the granting of a divorce; prohibiting marriage to another within one year thereafter; making such marriage null and void; declaring the same to be a felony, and providing a penalty therefor; amending Section 5765 of Chapter 5 of the Revised Codes of Montana, 1921, providing for limitation of time; and providing for limiting time when trial may be had."

By Mains: An Act relating to marriage; providing for the issuance, return and record of marriage licenses; providing the manner in which marriages may be contracted; providing who may contract a legal marriage; providing for filing objections by any person to a marriage; making false statements for the issuance of marriage license, or objections thereto a misdemeanor and providing penalty therefor; making the issuance of a license in violation of the provisions of this act a misdemeanor and providing a penalty therefor; prescribing forms for marriage license and certificate and prescribing what shall be contained therein; making the solemnizing of a marriage in violation of the provisions of this act a misdemeanor and providing penalty therefor; providing that marriages shall be null and void; making the record of the marriage license prima facie evidence of such marriage in all courts of this State; providing for the validating of void marriages contracted through mistake of fact; providing for an annual report of marriages by the Clerk of the District Court to the State Board of Health; and repealing Sections 5695, 5696, 5699, 5707, 5709, 5711, 5712, 5713, 5714, 5715, 5716, 5717, 5718, 5719, 5720, 5721, 5724, of Chapter 3 and Sections 11212 and 11213 of Chapter 36 of the Revised Codes of Montana of 1921 and all acts and parts of acts in conflict herewith."

Respectfully yours,

J. F. CONE, Secretary of the Senate."



"Helena, Montana, February 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 11, introduced by Brandjord, was this day read three several times, concurred in as amended, and is herewith transmitted to the House for concurrence in Senate amendments.

Respectfully yours,

J. F. CONE, Secretary of the Senate."

#### COMMUNICATIONS FROM THE GOVERNOR.

"February 2, 1923.

The Speaker,  
House of Representatives,  
Helena, Montana.

I have the honor to advise you that I have this day approved the following House Bill:

House Substitute for House Bill No. 5—Relating to the State Board of Equalization, fixing the terms and salaries of the members thereof, prescribing its powers and duties and repealing Sections 113, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, and 2130 of the Revised Codes of Montana of 1921."

JOS. M. DIXON, Governor."

#### OTHER COMMUNICATIONS.

Perrine presented a petition from sundry citizens of Browning, Montana, endorsing the repeal of the prescription law, and concerning prohibition, which was read.

The Committee on Engrossment reported as follows:

"Mr. Speaker:

We, your Committee on Engrossment, to whom was referred House Bill No. 92, H. J. M. No. 5 and H. J. R. No. 1, beg leave to report same back correctly engrossed.

LARSON of Richland, Chairman."

#### NOTICES.

Authors gave notice that they would on tomorrow or some subsequent date introduce bills as follows:

By Carlson of Gallatin and Buttelman: "A Bill for an Act entitled: 'An Act relating to irrigation districts, and providing for and regulating the payment of warrants of such districts, and the registration of such warrants when presented and not paid for lack of funds, and the redemption of such warrants, and the accruing of interest thereon, and providing for the duties of the County Treasurer in connection therewith.'"

By Bosley: "A Bill for an Act entitled: 'An Act to amend Section 5246 of the Revised Codes of Montana 1921, relating to the costs and expenses to be considered as part of the cost of improvements in special improvement districts and providing for an assessment to pay such costs and expenses.'"

By Buell, McCormack, Holton, Brandjord, Myrick, Pope, Buttelman; "A Bill for an Act entitled: 'An Act to amend Sections 2398, 2399 and 2403 of the Revised Codes of Montana of 1921, and requiring every person, firm, copartnership, association, joint stock company, syndicate and corporation engaged in or carrying on the business of producing within this State petroleum or other mineral or crude oil, or engaged in or carrying on the business of owning, controlling, managing, leasing or operating within this State any well or wells from which petroleum or other mineral or crude oil is produced, to pay to the State Treasurer for engaging in the carrying on such business, certain license fees for the exclusive use and benefit of the State of Montana; fixing the amount of such license fees; prescribing a method for the assessment and collection thereon; and prescribing penalties for violations of the provisions of this act.'"

By Committee on Appropriations: "A Bill for an Act entitled: 'An Act to amend Section 860 of the Revised Codes of Montana, 1921, relating to refunding fare to students.'"

By Tawney: "A Bill for an Act entitled: 'An Act making the County Treasurer of each county registrar of motor vehicles, and repealing Section 1755 of the Revised Codes of 1921.'"

By Hoffman: "A Bill for an Act entitled: 'An Act relating to farm storage warehouses for grain; providing for the storage, measuring, inspection, grading and insurance of grain in licensed warehouses on the farm, providing for the farm warehouse inspectors; providing for the issuance of negotiable warehouse receipts secured by grain held in licensed farm warehouses, and defining the duties of the County Clerk and of the Commissioner of Agriculture thereto.'"

### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received:

"Mr. Speaker:

We, your Committee on Revenue and Taxation, having had under consideration H. B. No. 36, "A Bill for an Act entitled: 'An Act to provide for the taxation of sleeping-car companies,' " respectfully report as follows:

That H. B. No. 36 do not pass.

We, your Committee on Revenue and Taxation, respectfully recommend that H. Sub. for H. B. No. 36, introduced by the Committee on Revenue and Taxation, "An Act to provide for a license tax upon sleeping car companies," do pass.

SWIFT, Chairman."

On motion of Swift, report adopted.

Substitute for H. B. No. 36, introduced by Committee on Revenue and Taxation, was read first and second times by title only and referred to the Printing Committee.

"Mr. Speaker:

We, your Committee on Public Morals, Charities and Reforms, having had under consideration H. B. No. 29, by Cowley, a Bill for an Act entitled: "An Act to repeal Sections 12275 to 12301 inclusive of the Revised Codes of Montana of 1921, commonly designated as the juvenile delinquent law," respectfully report as follows:

That H. B. No. 29 do not pass.

FACEY, Chairman."

On motion of Facey, report adopted.

"Mr. Speaker:

We, your Committee on Public Morals, Charities and Reforms, having had under consideration H. B. No. 38, by Cowley, a Bill for an Act entitled: "An Act to repeal Sections 12492 and 12514 of the Revised Codes of Montana 1921, creating the State industrial school fund," respectfully report as follows:

That H. B. No. 38 be referred to the Judiciary Committee.

FACEY, Chairman."

On motion of Facey, report adopted.

"Mr. Speaker:

We, your Committee on Public Morals, Charities and Reforms, having had under consideration H. B. No. 152, by Goodman, a Bill for an Act entitled: "An Act to repeal Sections 2540, 2541 and 2542 of the Revised Codes of Montana of 1921, relating to state epidemiologist," respectfully report as follows:

That H. B. No. 152 do pass.

SANDY, Chairman."

On motion of Sandy, report adopted.

"Mr. Speaker:

We, your Committee on Public Health and Sanitary Affairs, having had under consideration H. B. No. 172, by Tawney, Strange, Pope, Brandjord, Elliott, and Nelson: "A Bill for an Act entitled: 'An Act to provide county assistance for the shooting, poisoning and trapping of rodents in control districts established by the State Board of Entomology for the control of Rocky mountain spotted

fever; providing for the appointment of persons and purchase of material therefor; providing for the payment of the expense and authorizing the levy of a tax therefor; and defining the term "rodents," respectfully report as follows:

That H. B. No. 172 do pass.

SANDY, Chairman."

On motion of Sandy, report adopted.

"Mr. Speaker:

We, your Committee on Public Health and Sanitary Affairs, having had under consideration H. B. No. 125, by Peden, a Bill for an Act entitled: "An Act to prohibit possession of and traffic in lophophora Williamsii or peyote (pellote) and agava Americana (sometimes known as mescal buttons) and providing penalties for its violation," respectfully report as follows:

That H. B. No. 125, do pass.

ANDRUS, Chairman."

On motion of Hawley, report adopted.

"Mr. Speaker:

We, your Committee on Revenue and Taxation, having had under consideration H. B. No. 23, by Armstrong, a Bill for an Act to amend Chapter 159 of Part III of the Revised Codes of Montana 1921, relating to the classification of taxable property in this State for the purpose of taxation and providing for the percentage of the true and full value of each class to be taken and used as the basis for the imposition of taxes thereon, respectfully report as follows:

That H. B. No. 23 do not pass.

SWIFT, Chairman."

Moved by Swift, duly seconded, that report be adopted.

Moved by Armstrong, as a substitute motion, duly seconded and carried by the necessary one-third, that H. B. No. 23 be printed.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration H. B. No. 139, by Oker, entitled, "An Act authorizing cities and towns to regulate and license soft drink establishments and pool and billiard halls, and to authorize said cities and towns to limit the number thereof allowed to do business in any given city or town," respectfully report back with the recommendation that it do pass.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Townships and Counties having had under consideration H. B. No. 107, by McCarty, a Bill for an Act entitled: "An Act to amend Section 4530 of the Revised Codes of Montana 1921, relating to the care and burial of indigent, sick or injured persons, providing for the services of a physician and the payment of the expenses thereof," respectfully report as follows:

That H. B. No. 107, be amended as follows:

Sec. 1, line 20, by striking out the word "cost" and inserting in lieu thereof, "actual expense, thereof, including travel pay at the rate of 15c per mile for country trips with a sum not to exceed twenty-five dollars, according to the nature of service rendered to be approved by board of county commissioners."

Line 22, after the word "county" by adding the following: "provided if another physician is sent in the place of the county physician, said county physician shall pay 50 per cent of the expense thereof to the county poor fund."

Line 27, after the word "case" by adding the sentence: "If any county physician shall refuse to act or fails to obtain services of another physician in emergency cases, especially obstetrical cases, when possible to do so, it shall constitute malfeasance of office;"

And recommend that the bill do pass as amended.

SPENCER, Chairman."

On motion of Spencer, report adopted.



"Mr. Speaker:

We, your Committee on Townships and Counties and on Affairs of Cities, having had under consideration H. B. No. 111, by Roscow, a Bill for an Act entitled: "An Act to authorize and provide for the consolidation and merging of the corporate existence and government of the county of Silver Bow and all cities and towns therein into one municipal corporation and government under the corporate name 'City and County of Butte,' defining the powers thereof and providing a commission-manager plan of government therefor," respectfully report as follows:

That H. B. No. 111 be reported back to the House with recommendation that it do pass.

SPENCER, Chairman.

Townships and Counties.

LEASE, Chairman.

Affairs of Cities."

On motion of Lease, report adopted.

"Mr. Speaker:

We, your Committee on Military Affairs having had under consideration H. B. No. 79, a Bill for an Act entitled: "An Act to control the possession, sale, and use of pistols and revolvers, to provide penalties and for other purposes," respectfully report as follows:

That H. B. No. 79 be reported back to the House with the recommendation that it do not pass.

On motion of Smith, report adopted.

SMITH, Chairman."

"Mr. Speaker:

We, your Committee on Agriculture, having had under consideration H. B. No. 147, by Committee on Agriculture, being a Bill for an Act entitled: "An Act to amend Sections 3574, 3575, 3579, 3588 and 3589 of the Revised Codes of Montana of 1921, relating to public grain warehouses, the regulation of their charges, defining the rights of owners of grain stored in public warehouses, and to amend Chapter 254 of the Revised Codes of Montana of 1921, by adding thereto two new sections to be known as Sections 3588(a) and 3588(b) forbidding the sale of stored grain and defining storage of grain as a bailment, and one new section to be known as 3589 (a) providing protection for holders of warehouse receipts in case of insolvency," respectfully report as follows:

That said House Bill No. 147 do pass.

McCORMACK, Chairman."

On motion of McCormack, report adopted.

"Mr. Speaker:

We, your Committee on Agriculture, having had under consideration H. B. No. 20, by Duffy, being a Bill for an Act entitled: "An Act declaring the purpose of the State of Montana to supervise and regulate the marketing of farm products; preventing unjust discrimination, fraud and extortion in the marketing of same; establishing a system of grading, weighing and measuring farm products; defining the scope and manner of such supervision and the powers and duties of persons charged with same; providing for licensing buyers, solicitors, elevators and warehouses handling such farm products; and making an appropriation therefor," beg leave to report the same back to the House with the recommendation that it do not pass.

McCORMACK, Chairman."

On motion of McCormack, report adopted.

"Mr. Speaker:

We, your Committee on Improvements and Manufacturing having had under consideration H. B. No. 74, a Bill for an Act entitled: "An Act requiring the labeling of all cloth, fabrics, garments or articles of apparel sold or offered for sale in this State which contain wool, or purport to contain wool; to provide penalties for the violation of this law and to repeal all acts and parts of acts in conflict herewith," respectfully report as follows.

That H. B. No. 74 recommend that this bill do not pass.

TAYLOR, Chairman."

On motion of Taylor, report adopted.

Two reports from the Committee on State Boards and Officers were received as follows:

"Mr. Speaker:

We, the undersigned members of your committee on State Boards and Officers, having had under consideration H. B. No. 99, by Bosley, a Bill for an Act entitled: "An Act providing for the separation of the schools for the deaf, dumb, and blind, from the schools of the feeble minded; and the locating of the school for the deaf, dumb, and blind in some large center of population," respectfully report as follows:

That H. B. No. 99 do pass.

OSTBY, Chairman.  
BRAY.  
LEASE."

"Mr. Speaker:

We, the undersigned members of your Committee on State Boards and Officers having had under consideration H. B. No. 99, by Bosley, a Bill for an Act entitled: "An Act providing for the separation of the schools for the deaf, dumb and blind, from the schools of the feeble minded; and the locating of the school for the deaf, dumb and blind in some large center of population," respectfully report as follows:

That H. B. No. 99 do not pass.

LOBLE.  
MAURY.  
KINVILLE."

Moved by Ostby, and duly seconded, that report signed by Ostby, Bray and Lease be adopted.

Moved by Loble, as a substitute, duly seconded that report signed by Loble, Maury and Kinville be adopted.

Moved by Scharnikow, as a substitute for all pending motions, duly seconded and carried, that H. B. No. 99 be referred to the committee of three which was appointed to investigate State institutions.

The following majority and minority reports of the Committee on Ways and Means were received:

"Mr. Speaker:

We, the majority of your Committee on Ways and Means, having had under consideration H. B. No. 134, by Larsen of Sheridan, a Bill for an Act entitled: "An Act to amend Sections 7725, 7726 and 7729 of the Revised Codes of 1921, fixing and prescribing legal rates of interest," respectfully report as follows:

That H. B. No. 134 do not pass.

ANDREW.  
LEMMON.  
PERRINE.  
ARNOLD.  
BRAY.  
HANSON.  
SPENCER.  
BAKER.  
POPE.  
LEASE.  
PEDEN."

"Mr. Speaker:

We, the minority of your Committee on Ways and Means, having had under consideration H. B. No. 134, by Larsen of Sheridan, a Bill for an Act entitled: "An Act to amend Sections 7725, 7726 and 7729 of the Revised Codes of 1921, fixing and prescribing legal rates of interest," respectfully report as follows:

That H. B. No. 134 do pass.

PILGERAM.  
TIERNEY.  
SMETHURST  
TAWNEY."

Moved by Arnold, duly seconded, that the majority report be adopted.

Moved by Caplis, as a substitute motion, and duly seconded that the minority report be adopted.

Previous question moved by Kelly of Pondera, duly seconded and carried.

Upon request of roll call by Duffy and duly seconded, the substitute motion for the adoption of the minority report failed, the vote being cast as follows:

Ayes: Benedict, Bosley, Buttelman, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Dell, Denny Duffy, Elliott, English, Flynn, Fulsher, Hamilton, Johnson, Kelly (Silver Bow), Kinville, Larsen (Sheridan), McCarty, McCormack, Oker, Ostby, Pilgeram, Riddle, Ruffcorn, Smethurst, Stoner, Strange, Tawney, Tierney, Troy, Zuck, Mr. Speaker. Total, 35.

Noes: Andrew, Andrus, Armstrong, Arnold, Baker, Bergstrom, Bernard, Berryman, Bohling, Boorman, Brandjord, Bray, Bricker, Buchanan, Buell, Burke, Cady, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Facey, Gillin, Goodman, Gullidge, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Kelly (Pondera), Kennedy, Kenyon, Leavens, Larson (Richland), Lease, Lemmon, Loble, McAfee, McLeod, Maury, Murphy, Myrick, Nelson, O'Connell, Peden, Perrine, Pope, Rasmussen, Rodgers, Roscow, Sandy, Scharnikow, Seidensticker, Smith, Spencer, Stoddard, Swift, Taylor, Terrett, Wold. Total, 62.

Absent and not voting: Cowley, Gillette, Mushbach. Total 3.

Question arising on original motion to adopt the majority report, it carried.

The Speaker gave notice that he was about to sign S. J. M. No. 1, and thereupon signed same.

"Mr. Speaker:

We, the Committee on Ways and Means having had under consideration H. B. No. 135, by Buchanan and Berryman, entitled: "An Act to amend Section 4767 of the Revised Codes of Montana of 1921, relating to the deposits of county funds, and repealing Section 5036 of the Revised Codes of Montana of 1921, relating to the deposits of city and town funds," respectfully recommend that bill do pass.

ARNOLD, Chairman."

On motion of Arnold, report adopted.

Moved by Gullidge, duly seconded and carried, that the House recess until 2:00 p. m.

#### AFTERNOON SESSION.

House resumed at 2:00 p. m.

Mr. Speaker in the chair.

#### INTRODUCTION OF BILLS AND MEMORIALS.

The following Senate Bill was introduced, read first and second times by title and history only, and referred to the Committee on Highways:

S. B. No. 57, by Leuthold: "A Bill for an Act entitled: 'An Act to amend Section 1652 of the Revised Codes of Montana of 1921, relating to special road districts, objects, powers and duties.'"

The following bills were introduced, read first and second times by title only, and referred to committees as follows:

H. B. No. 182, by Terrett: "A Bill for an Act entitled: 'An Act to amend Section 4454 of the Revised Codes of the State of Montana, 1921, relating to the appointment of county commissioners by judges of the district court when vacancies occur.' (Committee on Townships and Counties.)"

H. B. No. 183, by Caplis: "A Bill for an Act entitled: 'An Act to provide for the periodical inspection of elevators operated in places of employment in this State; to require a safety certificate for such operation; to make it a misdemeanor to operate such elevator without such certificate; and to provide for an injunction against such operation if dangerous to the life or safety of employees; to vest in the Industrial Accident Board the power to make such inspections and determine the competency of inspectors and require reports of inspections; to issue such certificates and prescribe maximum fees therefor and to require that the erecting plan of every elevator hereafter installed be submitted for approval to the Industrial Accident Board.' (Committee on Workmen's Compensation.)"



H. B. No. 184, by Benedict: "A Bill for an Act entitled: 'An Act to add one section, to be numbered 4977A, to the Revised Codes of Montana of 1921, relating to the additions to cities or towns.'" (Committee on Affairs of Cities.)

H. B. No. 185, by Benedict: "A Bill for an Act entitled: 'An Act for a law conferring upon the councils of cities and towns owning public cemeteries power to create cemetery boards with jurisdiction to regulate and control such cemeteries, conferring upon such councils power to define the duties of such boards, and the power to levy upon property located within such cities and towns not to exceed two mills on the dollar of assessed valuation for the support and maintenance of such cemeteries.'" (Committee on Affairs of Cities.)

H. B. No. 186, by Stoner: "A Bill for an Act entitled: 'An Act to repeal Sections 3040, 3041, 3042, and 3043 of Chapter 215 Revised Codes of Montana 1921, which requires certain employers to make reports to the Industrial Accident Board concerning alien and illiterate employees and authorizes said board to prescribe rules and regulations and to fix penalties with reference thereto.'" (Committee on Workmen's Compensation.)

H. B. No. 187, by Tawney: "A Bill for an Act entitled: 'An Act providing for the manufacture of all automobile and other lisenze tags required by the laws of this State, at the State penitentiary at Deer Lodge; and authorizing and directing the State board of prison commissioners to provide the necessary machinery, equipment and supplies therefor.'" (Committee on Ways and Means.)

H. B. No. 188, by Fulsher: "A Bill for an act entitled: 'An Act to amend Section 4917 of the Revised Codes of Montana of 1921, relating to the fees of county clerks.'" (Committee on Judiciary.)

H. B. No. 189, by Hanson: "A Bill for an Act entitled: 'A Bill to authorize the State Board of Equalization to review and determine the necessity and advisability to issue bonds by any county or taxing district, and limiting the rate of interest on municipal bonds.'" (Committee on Revenue and Taxation.)

H. B. No. 190, by Bernard and Cady: "A Bill for an Act entitled: 'An Act to provide for regulating in certain respects the conduct, behavior, operation and equipment of vehicles using the public streets, roads and highways of this State and restricting and prohibiting the use thereof, for certain purposes; to provide for limiting the weight and dimensions of loads and vehicles and the speeds of travel thereof; to prohibit local authorities from reducing the speeds prescribed by this act except under certain conditions and defining certain duties and powers of the State Highway Commission; to provide for punishment for violations of this act and repealing all acts and parts of acts in conflict herewith.'" (Committee on Highways.)

H. B. No. 191, by Bernard and Cady: "A Bill for an Act entitled: 'An Act to provide a license tax of two cents per gallon on gasoline, distillate, Liberty fuel and other volatile and inflammable liquids used, sold, distributed, manufactured, produced or compounded in the State of Montana for any purpose, including the operating or propelling motor vehicles over or upon the highways and public roads; to provide for the collection thereof; to provide for certain exemptions; to provide a manner of ascertaining the number of gallons of gasoline, distillate, Liberty fuel and such other volatile and inflammable liquids used, sold, distributed, manufactured, produced or compounded in the State of Montana; to provide for registering of dealers engaged in the sale, distribution, manufacturing, producing and compounding of gasoline distillate and other volatile and inflammable liquid fuels; to provide for the creation of the State highway maintenance and betterment fund, and for the disposition of the moneys arising from this act; to fix a penalty for the violations of the provisions of this act; to define certain words, terms and phrases used therein; and to repeal Chapter 185 of the Laws of Montana including Sections 2381 to 2396 inclusive and all other acts or parts of acts in conflict herewith, and declaring an emergency.'" (Committee on Ways and Means.)

H. B. No. 192, by Larsen of Sheridan: "A Bill for an Act entitled: 'An Act to amend Section 3478, Chapter 252, Revised Codes of Montana 1921, known as the "coal mining code" relative to the obtaining of certificates by mine foremen,

mine examiners, or fire bosses in certain coal mines need not obtain such certificates.' " (Committee on Labor.)

H. B. No. 193, by Cady: "A Bill for an Act entitled: 'An Act to amend Sections 2840, 2849, 2914, 2920, 2940, 2994 and 2995 of Chapter 213 Revised Codes of Montana 1921, known as the "workmen's compensation act;" relating to Compensation Plan No. 3, when a public corporation is the employer, duty of governing body of such corporations and manner of determining who are employees of such corporations; defining inherently hazardous occupations; specifying the manner and amount of payment for partial disability and providing payment for percentage of disability, specifying the compensation payable for specific injuries and the basis for making payment thereof; defining the powers of the board and providing notice to employees when coverage is cancelled; providing for deposits by employers under plan three; designating the manner of making compensation assessments and providing for yearly adjustments based on employers payrolls.' " (Committee on Workmen's Compensation.)

H. B. No. 194, by McCormack: "A Bill for an Act entitled: 'An Act to amend Section 6216, Revised Codes, Montana, 1921, pertaining to the requirements of surety companies to transact business within the State of Montana, and relating to the authority of the agents of such companies, making it incumbent upon such companies to have and deposit with the insurance commission of the State of Montana, \$50,000 in trust for the benefit of resident holders of the obligations of such corporation, before any such corporation may do or transact business within the State of Montana.' " (Committee on Judiciary.)

H. B. No. 195, by McCormack: "A Bill for an Act entitled: 'An Act authorizing the establishment of fiscal agencies for the payment of bonds and bond interest coupons which are issued by the State of Montana and all counties, cities, towns, school district, boards of education, irrigation districts or other municipalities of the State of Montana; prescribing the regulations to govern the same, and repealing all acts and parts of acts in conflict herewith.' " (Committee on Judiciary.)

### MOTIONS AND RESOLUTIONS.

Moved by Buell, duly seconded and carried that House Bill No. 171 be re-referred to the Committee on Appropriations and that H. B. No. 177 be returned to the House.

Moved by Gullidge, duly seconded and carried that action of House this morning in adopting the report of the Committee on Public Health and Sanitary Affairs, relating to H. B. No. 152 be reconsidered.

Moved by Gullidge, duly seconded that H. B. No. 152 be re-referred to Committee on Public Health and Sanitary Affairs.

Moved by Goodman, as a substitute motion, and duly seconded that H. B. No. 152 be printed.

Moved by Pope, duly seconded, that motion of Goodman be laid on the table.

Upon request of Scharnikow for a roll call, duly seconded, motion to table failed, the vote being as follows:

Ayes: Andrus, Bernard, Berryman, Brandjord, Bray, Bricker, Buchanan, Cady, Carlson (McCone), Davis (Wibaux), Elliott, Facey, Flynn, Fulsher, Gullidge, Hawley, Johnson, Kennedy, Kenyon, Kinville, Larson (Richland), Leavens, McLeod, Myrick, Ostby, Peden, Pope, Ridle, Sandy, Taylor, Wold. Total, 31.

Noes: Andrew, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bohling, Boorman, Bosley, Buell, Burke, Buttelman, Caplis, Carlson (Gallatin), Cavanaugh, Clarke, Cronk, Davis (Fergus), Dell, Denny, Duffy, English, Gillin, Goodman, Hamilton, Harris, Hoffman, Holton, Joffray, Kelly (Pondera), Kelly (Silver Bow), Larsen (Sheridan), Lease, Lemon, Loble, McAfee, McCarty, McCormack, Maury, Murphy, Nelson, O'Connell, Oker, Perrine, Pilgeram, Rasmussen, Rodgers, Roscow, Ruffcorn, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Tawney, Terrett, Tierney, Troy, Zuck, Mr. Speaker. Total, 63.

Absent and not voting: Cowley, Dean, Gillette, Hanson, Mushbach, Swift. Total, 6.

Goodman amended substitute motion to include both "print and place on general orders."

Question arising on substitute motion to print and place on general orders, the same carried.

### THIRD READING OF HOUSE BILLS.

Senate amendments to H. B. No. 9 were concurred in by the following vote :

Ayes: Andrew, Andrus, Armstrong, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Buell, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total, 92.

Noes: None.

Absent and not voting: Arnold, Cowley, Gillette, Hamilton, Hanson, Kennedy, Mushbach, Swift. Total, 8.

Senate amendments to H. B. No. 11 were concurred in by the following vote :

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bricker, Buchanan, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Strange, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total, 88.

Noes: None.

Absent and not voting: Bray, Buell, Cowley, Cronk, Gillette, Hanson, Kennedy, Loble, Mushbach, Perrine, Stoner, Swift. Total, 12.

### CONSIDERATION OF GENERAL ORDERS.

Moved by Gullidge, duly seconded and carried that House resolve itself into a Committee of the Whole, and that debate be limited to 10 minutes to any one member.

Spencer in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole, having had under consideration bills on general orders, respectfully report back with the recommendation that:

H. B. No. 100, be amended as follows:

Section 1 by inserting after the words "attorneys fee" the words "not to exceed \$100."

Also Section 1 in line 28 by striking out the words "is dismissed or such accusation is not sustained" and inserting in lieu thereof the words "if in the opinion of the court there was not probable cause for such action."

And when so amended, do pass.

S. B. No. 31, be concurred in.

H. B. No. 37, that the entacting clause be stricken out.



H. B. No. 52, that it be referred to a committee of two, one from Flathead county and one from Powell county.

H. B. No. 67, be amended as follows:

Section 1 by striking out in line 2 after the word "of" the word "a" and striking out the remainder of Section 1 thereafter following, and inserting in lieu thereof the words "a felony, and shall be punishable by imprisonment in the state penitentiary for not more than two years."

That Section 3 be renumbered Section 2.

Also Section 2 by striking out the whole thereof.

Also that the title be amended by striking out the following words "on first and subsequent offenses."

And when so amended, do pass.

H. B. No. 106, be amended as follows:

Section 1 by striking out in line 3 after the word "than" the word "ten" and inserting in lieu thereof the words "fifteen."

Also Section 1 by striking out in line 4 the word "and" after "\$100, and inserting in lieu thereof the word "or."

Also Section 1 by striking out in line 2 the word "public."

Also by adding to Section 1 the words "or by both such fine and imprisonment."

And when so amended, do pass.

SPENCER, Chairman."

Upon motion of Spencer, report adopted.

Maury gave notice that he will on tomorrow make a motion that the action of the House in adopting the report of the Committee on Improvements on H. B. No. 74 be reconsidered.

The Printing Committee reported as follows:

"Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bills Nos. 148, 150, 151, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman."

Goodman requested that he be excused from attendance tomorrow; permission granted.

Moved by Kinville, duly seconded and carried that the House adjourn until Saturday, February 3, at 10:30 a. m.

CALVIN CRUMBAKER, Speaker.

Attest: JAMES A. SHOEMAKER, Chief Clerk.

### THIRTY-FOURTH DAY

House of Representatives,  
February 3, 1923.

House convened pursuant to adjournment at 10:30 a. m.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Upon roll call all members present except: Cowley, Gillette, Goodman, Hawley and Mushbach, excused.

The Committee on Journal reported as follows:

"Mr. Speaker:

We, your Committee on Journal, have this day examined the Journal for the 33rd legislative day and found the same correct.

BUCHANAN, Chairman."

Report adopted.

COMMUNICATIONS AND PETITIONS.  
COMMUNICATIONS FROM THE SENATE.

"Helena, Montana, February 2, 1923.

Mr. Speaker :

I am directed by the Senate to inform your Honorable Body that the attached communication was this day received from His Excellency, the Governor, appointing the three members of the State Board of Equalization.

Respectfully,

J. F. CONE, Secretary of the Senate."

'Helena, Montana, February 2, 1923.

The President of the Senate,

Senate Chamber, Helena, Montana.

I hereby nominate and by and with the consent of the Senate do appoint the following named persons to be members of the State Board of Equalization :

J. W. Walker of Flathead county, for the term ending March 1, 1929.

O. A. Bergeson of Chouteau county, for the term ending March 1, 1927.

A. J. Violette of Missoula county, for the term ending March 1, 1925.

The term of service of each of said members is to begin immediately upon qualifying and taking the oath of office.

JOS. M. DIXON, Governor.' "

"Helena, Montana, February 2, 1923.

Mr. Speaker :

I am directed by the Senate to inform your Honorable Body that the President of the Senate this day signed in open session House Substitute for H. B. No. 5 and Senate Joint Memorial No. 1.

Respectfully,

J. F. CONE, Secretary of the Senate."

Moved by Andrew, duly seconded and carried that the following communications from the Senate be considered read at length :

"Helena, Montana, February 2, 1923.

Mr. Speaker :

I am directed by the Senate to inform your Honorable Body that the following House bills were this day introduced, read first and second time, and referred to committees as follows :

House Bill No. 34, by Gullidge, referred to judicial districts :

H. B. No. 58, by Rodgers, referred to Finance and Claims :

H. B. No. 65, by Cavanaugh, referred to Railway and Transportation.

H. B. No. 75, by Sandy, referred to Counties and Towns.

H. B. No. 83, by Bosley, referred to Counties and Towns.

H. B. No. 91, by Scharnikow, referred to Finance and Claims.

H. B. No. 94, by Larsen of Sheridan, to committee on Education.

H. B. No. 103, by Bricker, Committee on Taxation.

H. B. No. 112, by McLeod, to Committee on Judiciary.

H. B. No. 115, by Terrett, to Stockgrowing and Grazing.

Respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 2, 1923.

Mr. Speaker :

I am directed by the Senate to inform your Honorable Body that Senate Joint Memorial No. 5, introduced by Church and Duncan, a Memorial to the Senate of the United States of America, in congress assembled, to adopt resolution passed by the House of Representatives, making income from securities hereafter issued by or under the authority of the State, taxable and giving State power to tax federal securities," was read first and second time and referred to Committee on Federal Relations.

Respectfully,

J. F. CONE, Secretary of the Senate."

"February 2, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were introduced, read first and second times, and referred to the following committees:

Senate Bill No. 113, by Hazelbaker: "An Act relating to irrigation districts, and amending and re-enacting Sections 7166, 7171, 7173, 7174, 7177, 7184, 7210, 7212, 7214, 7215, 7220, 7224, 7226, 7227, 7228, 7229, 7230, 7234, and 7235 of the Revised Codes of Montana of 1921, which relate to the establishment, organization and government of irrigation districts; providing who may organize such districts and in what cases, and making regulations for the status, powers, duties, organization and place of meeting of the board of commissioners of such districts, vacancies in such boards, and the salary and compensation of such commissioners and penalty for interest in contracts; for the qualification and designation of electors and the manner of voting by agents, co-owners and purchasers of land under contract of sale; concerning the purpose for which bonds of such districts may be issued, and the authorization, issuance, confirmation, details, record, negotiation, disposition, delivery and cancellation of such bonds, and the disposition of proceeds of sale thereof; for the refunding, redemption and payment of bonds and warrants of such districts, and the authorization, issuance, confirmation, details, record, negotiation, disposition, delivery and cancellation of refunding bonds; bonds of such districts, and the lien of such refunding, and of taxes and assessments levied to pay the same; also providing rules for apportionment of costs, and the charging thereof to the land, with express provisions for pumping costs; making regulations for assessments and the levy, adjustment, collection and cancellation of, and limitations upon, taxes and assessments and the apportionment of such taxes and assessments, according to the irrigable area of such districts for the expenses of the State irrigation district bond commission and the expenditures by such districts of funds derived from bonds certified by such commission; and enacting two new sections to be designated as Sections 7235-a and 7235-b of said Revised Codes of Montana of 1921, also relating to such irrigation districts, providing for proceedings for the determination of the irrigable area of such districts and the apportionment of costs of any work or improvements to the lands in such districts, and the confirmation of such proceedings by the district court, and providing for the extent of the liens of taxes and assessments levied upon the lands in such districts and for the refund or cancellation of assessments under excess acreage and limiting and defining the rights and privileges of owners of tracts of land containing no irrigable area, and limiting the period within which the taxable acreage of any lands in said districts may be fixed and adjudicated." Referred to Committee on Water Rights and Irrigation.

Senate Bill No. 106, by Greening: "An Act to amend Section 8275 of the Revised Codes of Montana of 1921, relating to chattel mortgages." Referred to Committee on Judiciary.

Senate Bill No. 107, by McQuitty: "An Act to amend Section 5194 of the Revised Codes of Montana of 1921, relating to the levy of taxes by municipalities for general municipal, administrative and park purposes." Referred to Committee on Taxation.

Senate Bill No. 108, by Cowan: "An Act limiting the contract-making power of the board of commissioners of irrigation districts organized under Sections 7166 to 7164, both inclusive, of the Revised Statutes of Montana, 1921." Referred to Committee on Irrigation and Water Rights.

Senate Bill No. 109, by Cowan: "An Act to limit the debt-incurring power of commissioners of irrigation districts organized under Sections 7166 to 7264, both inclusive, of the Revised Statutes of Montana, 1921, and repealing Sections 7208 and 7251 of said Revised Statutes." Referred to Committee on Irrigation and Water Rights.

Senate Bill No. 110, by McQuitty: "An Act to amend Section 1203 of the Revised Codes of 1921 relating to special school tax." Referred to Committee on Education.



Senate Bill No. 111, by Porter: "An Act abolishing the office of state epidemiologist, and repealing Sections 2540 to 2542 inclusive of the Revised Codes of Montana of 1921." Referred to Committee on Sanitary Affairs.

Senate Bill No. 112, by Greenup: "An Act to amend Section 2191 of the Revised Codes of Montana of 1921, relating to the sale of real estate for taxes due thereon." Referred to Committee on Taxation.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 2, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following standing committees this day have reported as follows:

Committee on Judiciary, to whom was referred Senate Bill No. 36, introduced by McQuitty, beg leave to report and recommend that said bill do not pass.

Also Senate Bill No. 94, by Leighton, beg leave to report and recommend that said bill do not pass.

Also Senate Bill No. 87, by Demel, beg leave to report and recommend that said bill do not pass.

Also Senate Bill No. 91, by Duncan, beg leave to report and recommend that said bill do pass.

Committee on Bands and Banking, having had under consideration Senate Bill No. 92, introduced by Greening, beg leave to report and recommend that said bill do pass.

Also Senate Bill No. 90, by Greening, beg leave to report and recommend that said bill do pass.

Also Senate Bill No. 83, by Greening, beg leave to report and recommend that said bill do pass.

Also Senate Bill No. 96, by Greening, beg leave to report and recommend that same do pass.

Committee on Finance and Claims: Having had under consideration Senate Bill No. 60, beg leave to report and recommend that same do pass.

Committee on Roads and Highways, having had under consideration Senate Bill No. 105, by Peterson, beg leave to report and recommend that said bill do not pass, and as a substitute for Senate Bill No. 105, introduced by Committee on Roads and Highways, a Bill for an Act entitled: "An Act creating a State highway department, providing for a State highway commission, and defining its powers and duties; assenting to the terms of the Federal aid act, transferring certain funds to the general fund of the State, and repealing Sections 1783, 1784, 1784, 1785, 1786, 1792, 1799, 1800 and 1802 of the Revised Codes of Montana of 1921," and recommend that same do pass.

J. F. CONE, Secretary of the Senate."

"February 2, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following notices of bills were this day read and presented:

By Kane: "A Bill for an Act entitled an Act relating to irrigation districts, amending and re-enacting Section 7190 of the Revised Codes of Montana, 1921, enacting a new section to be designated Section 7231A, and repealing Sections 7191, 7192, 7193 and 7194, of the Revised Codes of Montana, 1921."

By Cowan: "An Act relating to the collection of taxes and assessments levied for irrigation district and drainage district purposes, and requiring county treasurers to collect, receive and receipt for such irrigation district taxes and assessments at the same time and upon the same receipt as taxes levied upon real property for county purposes."

By Lowe: "An Act relating to fees, and amending and re-enacting Section 4893 of the Revised Codes of Montana of 1921, providing that no fees must be charged the State, or any county, or any subdivisions thereof, including irrigation districts and drainage districts, or any public officer acting therefor, or in habeas corpus proceedings for official services rendered."

Very respectfully,

J. F. CONE, Secretary of the Senate."

## NOTICES.

Authors gave notice that they will on tomorrow or some subsequent date introduce bills as follows:

By Tierney: "A Bill for an Act entitled: 'An Act amending Section 2001, Revised Codes of Montana, 1921, relating to assessment of property.'"

By Bosley: "A Bill for an Act entitled: 'An Act to amend Section 4157, Section 4163, Section 4169 of Chapter 269, Revised Codes of Montana, 1921, regulating and licensing employment agencies, and adding a new section to said chapter, numbered Section 4172A.'"

By Bosley: "A Bill for an Act entitled: 'An Act to amend Section 4327, Revised Codes of Montana, 1921, relating to the boundaries of Judith Basin County, Montana.'"

By Facey: "A Bill for an Act entitled: 'An Act to prohibit pool halls, billiard halls or card rooms from erecting and maintaining screens, curtains or partitions which obstruct the clear view of the interior thereof; declaring a violation of this act to be a misdemeanor and fixing a penalty.'"

By Facey: "A Bill for an Act entitled: 'An Act for the submission to the qualified electors of the State of an amendment to Section 1 of Article V of the Constitution of the State of Montana relating to the legislative department.'"

By Appropriations Committee: "A Bill for an Act entitled: 'An Act to amend Section 1415 of the Revised Codes of Montana 1921 relating to appointment of, removal and salary of the superintendent of the insane asylum and his assistant.'"

By Loble: "A Bill for an Act entitled: 'An Act to amend Sections 4584, 4586, and 4592 of Chapter 17 of Part IV of the Political Code and relating to assessments of the cost of rural improvement districts and to add a new section to be numbered 4598A.'"

By Caplis: "A Bill for an Act entitled: 'An Act to regulate the zones of deliveries by express companies in cities.'"

By Cady: "A Bill for an Act entitled: 'An Act to regulate advertisements in any public highway or on private premises without the consent of owner of said property and to provide for a license tax on bill boards and signs to be used for highway improvement.'"

By Larsen of Sheridan: "A Bill for an Act entitled: 'An Act to amend Section 105 of the Revised Codes of Montana, 1921, relating to the printing and distribution of measures for initiative and for referendum.'"

By Kinville: "A Bill for an Act entitled: 'An Act to amend Chapter 86, of the Session Laws of the Fifteenth Legislative Assembly of the State of Montana; prohibiting gambling games, and providing for the playing of certain games for amusement and past-time, and the use in places of business of trade stimulators upon the payment of a license to the State of Montana; and providing a penalty for the violation thereof.'"

## REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received:

"Mr. Speaker:

We, your Committee on State Boards and Officers, having had under consideration S. B. No. 16, by Oliver, a Bill for an Act entitled: "An Act amending Sections 238 and 239 of the Revised Codes of Montana of 1921, relating to certain duties of the State Auditor and the State Board of Examiners concerning the auditing of claims filed against the State," respectfully report as follows:

That S. B. No. 16 be referred to Ways and Means Committee.

OSTBY, Chairman."

On motion of Ostby, report adopted.

"Mr. Speaker:

We, your Committee on State Boards and Officers, having had under consideration S. B. No. 4, by Duncan, a Bill for an Act entitled: "An Act abolishing the office of state parole commissioner and repealing Sections 12516 to 12518 inclusive of the Revised Codes of Montana of 1921," respectfully report as follows:

That S. B. No. 4 do pass.

OSTBY, Chairman."

On motion of Ostby, report adopted.

"Mr. Speaker:

We, your Committee on Revenue and Taxation, having had under consideration H. B. No. 189, by Hanson, a Bill for an Act entitled: "A Bill to authorize the State Board of Equalization to review and determine the necessity and advisability to issue bonds by any county or taxing district, and limiting the rate of interest of municipal bonds," respectfully report as follows:

That H. B. No. 189 be re-referred to the Committee on Townships and Counties.

SWIFT, Chairman."

On motion of Swift, report adopted.

"Mr. Speaker:

We, your Committee on Livestock and Public Ranges, having had under consideration H. B. No. 167, by Pilgeram, a Bill for an Act entitled: "An Act to amend Section 11552 of the Revised Codes of Montana of 1921, relating to the dogging of livestock," respectfully report as follows:

That said H. B. No. 167 be reported back to the House with the recommendation that it do not pass.

LEAVENS, Chairman."

On motion of Leavens, report adopted.

"Mr. Speaker:

We, your Committee on Ways and Means, to whom was referred House Bill No. 110, introduced by Carlson of Gallatin, respectfully report back with the recommendation that it do not pass, and offer in substitution therefor, Substitute House Bill No. 110, introduced by the Committee on Ways and Means, and report with the recommendation that Substitute do pass.

ARNOLD, Chairman."

On motion of Arnold, report adopted.

Substitute for House Bill No. 110, introduced by Committee on Ways and Means, was read first and second times by title only and referred to the Committee on Printing.

"Mr. Speaker:

We, your Committee on Constitutional Amendments, having had under consideration H. B. No. 70, by Nelson, a Bill for an Act entitled: "An Act to amend Article XII of the Constitution of the State of Montana relating to taxation, by striking out all of Sections 1, 2, 3, 7, 11 and 16 thereof and inserting in lieu of said sections a new section to be known and designated as Section 1, and by re-numbering the remaining sections of said article," respectfully report as follows.

That H. B. No. 70 do pass.

BAKER, Chairman."

On motion of Baker, report adopted.

"Mr. Speaker:

We, your Committee on Conservation of Resources, having had under consideration H. B. No. 120, by Bernard, a Bill for an Act entitled: "An Act to provide for a state forest department, refining the forests and the functions of the department in the protection, development and perpetuation of Montana state forests under the direction of the state board of land commissioners; providing for the appointment of a state forester, defining his duties and fixing his salary; providing for the management of the state forests to secure permanent revenue therefrom; providing for the limitation of the annual cut of timber, limitation of period of contract, limitation of amount of timber sold to any one person, firm or corporation; providing for the keeping of records of the State forests;



providing for leases or permits to use of state forests; providing for co-operation in forest protection; providing authority for the State Treasurer to accept monies or funds from other forest owners to make co-operation effective; authorizing the state forester to prepare the general rules and practices of the state forest department; providing for division of the State into forest districts; providing for the employment of state forest officers; providing for construction projects on state forests; providing for reforestation of denuded state forest areas, etc.", respectfully report as follows:

That H. B. No. 120 do pass.

SANDY, Chairman."

On motion of Sandy, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 16, by Oker, entitled: "An Act to amend Section No. 1253 of the Revised Codes of 1921, regulating the qualifications of voters in elections for the issuance of bonds of this State, or any county, school district, city or town," respectfully report back with the recommendation that it do not pass for the reason that the subject matter is covered in Senate Bill No. 21.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 142, by Boorman, entitled: "An Act to amend Section 8291 of the Revised Codes of Montana, 1921, relating to selling or removing mortgaged property to defraud mortgagees," respectfully report with the recommendation that it do pass.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration Senate Bill No. 21, by Pauline, entitled: "An Act prescribing the qualification of electors who shall be entitled to vote upon proposals to create or increase indebtedness of the state, county, city, town, school district or other municipal corporation; providing for the preparing and posting of lists of such qualified electors; providing for the preparing and furnishing poll-books; prescribing the duties of the county clerk and clerk of the city, town, school district or other municipal corporation, and repealing acts or parts of acts in conflict herewith," respectfully report back with the recommendation that it be concurred in.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Public Health and Sanitary Affairs, having had under consideration H. B. No. 126, by Andrus, a Bill for an Act entitled: "An Act to regulate the practice of pharmacy in the State of Montana and to control and regulate the manufacture, sale and distribution of drugs, chemicals, poisons and potent drugs," respectfully report as follows:

That H. B. No. 126 do pass.

ANDRUS, Chairman."

On motion of Andrus, report adopted.

"Mr. Speaker:

We, your Committee on Labor, having had under consideration H. B. No. 102, by Stoner, Tierney and Duffy, being a Bill for an Act entitled: "An Act to protect the lives, health, and morals of women and minor workers, and to establish maximum hours; authorizing and empowering the Industrial Accident Board to fix such maximum hours and standard conditions of labor for such workers; providing for the appointment of a field secretary of the Industrial Accident Board, fixing the salary and duties; providing penalties for the violation of this act; making an appropriation therefor; and repealing all acts or parts of acts in conflict herewith;"

Also having had under consideration H. B. No. 136, by Duffy, being a Bill for an Act entitled: "An Act prescribing a minimum wage for females employed

in the State of Montana, and making it a misdemeanor to pay, or contract to pay, a less wage than that provided for in this act," beg leave to report said House Bills No. 102 and 136 back to the House with the recommendation that they do not pass; and that Substitute for House Bills Nos. 102 and 136, introduced by the Committee on Labor, do pass.

STONER, Chairman."

On motion of Stoner, report adopted.

Substitute for House Bills No. 102 and 136 introduced by the Committee on Labor, read first and second times by title only, and referred to the Committee on Appropriations.

### INTRODUCTION OF BILLS AND MEMORIALS.

The following bills were introduced, read first and second times by title only, and referred to committees as follows:

H. B. No. 196, by Buell, McCormack, Holton, Brandjord, Myrick, Pope and Buttelman: "A Bill for an Act entitled: 'An Act to amend Sections 2398, 2399, 2400, 2402, 2403, 2404, and 2405 of the Revised Codes of Montana of 1921, and requiring every person, firm, co-partnership, association, joint stock company, syndicate and corporation engaged in or carrying on the business of producing within this state petroleum or other mineral or crude oil, or engaged in or carrying on the business of owning, controlling, managing, leasing or operating within this State any well or wells from which petroleum or other mineral or crude oil is produced; to pay to the State Treasurer for engaging in and carrying on such business, certain license fees for the exclusive use and benefit of the State of Montana; fixing the amount of such license fees; prescribing a method for the assessment and collection thereof; and prescribing penalties for violations of the provisions of this act.'" (Committee on Revenue and Taxation.)

H. B. No. 198, by Hoffman: "A Bill for an Act entitled: 'An Act relating to farm storage warehouses for grain; providing for the storage, measuring, inspection, grading and insurance of grain in licensed warehouses on the farm; providing for farm warehouse inspectors; providing for the issuance of negotiable warehouse receipts secured by grain held in licensed farm warehouses, and defining the duties of the county clerk and of the Commissioner of Agriculture thereto.'" (Committee on Agriculture.)

H. B. No. 199, by Tawney: "A Bill for an Act entitled: 'An Act making the County Treasurer of each County Treasurer of each county registrar of motor vehicles, and repealing Section 1755 of the Revised Codes of 1921.'" (Committee on Ways and Means.)

H. B. No. 200, by Bosley: "A Bill for an Act entitled: 'An Act to amend Chapter 56, Part IV of the Political Code of the Revised Codes of Montana 1921, relating to special improvement districts in cities and towns by adding thereto two new sections to be numbered 5226-b and 5242-a, providing for the creation of special improvement districts for the purpose of maintaining, preserving and caring for planking or re-planking, paving or re-paving, macadamizing or re-macadamizing, graveling or re-graveling, piling or re-piling, capping or re-capping, surfacing or re-surfacing, or oiling or re-oiling in such special improvement districts and for the continued maintenance preservation and care of such improvements.'" (Committee on Affairs of Cities.)

H. B. No. 201, by Smethurst: "A Bill for an Act entitled: 'An Act amending Sections 3460, Paragraph "A," 3472, 3513, 3515, of the Revised Codes of the State of Montana, 1921, relating to the examination, appointment, duties, qualifications and requirements of mine foremen and their assistants.'" (Committee on Labor.)

H. B. No. 202, by Benedict: "A Bill for an Act entitled: 'An Act to amend Section 410 of the Revised Codes of Montana of 1921, relating to the qualifications of civil officers.'" (Committee on Ways and Means.)

H. B. No. 203, by Buttelman and Carlson of Gallatin: "A Bill for an Act entitled: 'An Act relating to irrigation districts, and providing for and regulating the payment of warrants of such districts, and the registration of such warrants when presented and not paid for lack of funds, and the redemption of such

warrants, and the accruing of interest thereon, and providing for the duties of the county treasurer in connection therewith.'” (Committee on Irrigation and Water Rights.)

The following bill was introduced, read first and second times and referred to the Committees on Education and Appropriations.

H. B. No. 197, by Flynn, Andrus, Sandy, Holton, Larsen of Sheridan, Zuck, Davis of Wibaux, Bergstrom, Clarke and Bohling: “A Bill for an Act entitled: ‘An Act establishing the eastern Montana State Normal College; defining the objects of its establishment, providing for the control, supervision and management thereof, and making the same a part of the University of Montana, and making an appropriation for renting, acquiring and equipping the necessary buildings therefor, and for the support, equipment and maintenance of said college.’” (Committee on Education and Appropriations.)

### MOTIONS AND RESOLUTIONS.

Moved by Maury duly seconded, that House reconsider its action in adopting the report of the Committee on Improvements and Manufacturing on House Bill No. 74.

Moved by Wold, and duly seconded that Maury’s motion be laid upon the table.

Rodgers, having requested a roll call, duly seconded, the motion to table carried by the following vote:

Ayes: Andrus, Armstrong, Aronld, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Brandjord, Bray, Bricker, Buchanan, Buell, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Cavanaugh, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Elliott, English, Flynn, Fulsher, Gillin, Gullidge, Johnson, Kelly (Silver Bow); Kenyon, Kinville, Lease, Leavens, Loble, McAfee, Lemmon, McCormack, Myrick, Nelson, O’Connell, Peden, Pope, Rasmussen, Ruffcorn, Scharnikow, Seidensticker, Smith, Spencer, Swift, Taylor, Terrett, Wold, Mr. Speaker. Total, 59.

Noes: Andrew, Bosley, Carlson (McCone), Clarke, Duffy, Facey, Hamilton, Hanson, Harris, Hoffman, Holton, Joffray, Kennedy, Larsen (Sheridan), McCarty, McLeod, Maury, Murphy, Oker, Ostby, Perrine, Pilgeram, Ridle, Rodgers, Roscow, Sandy, Smethurst, Stoddard, Stoner, Strange, Tawney, Tierney, Troy, Zuck. Total, 34.

Absent and not voting: Cowley, Gillette, Goodman, Hawley, Kelly (Pondera), Larson (Richland), Mushbach. Total, 7.

Moved by Gullidge, duly seconded and carried, that Orders of Business 8 and 9 be omitted today.

Moved by Scharnikow, duly seconded and carried, that House Bill No. 100 be recalled from the Engrossing Committee and placed on General Orders at the foot of the list.

### HOUSE RESOLUTION INTRODUCED BY BUCHANAN

“We move the adoption of the following resolution:

Whereas, The members of this Legislative Body were elected by the people with the express understanding that expenditures were to be reduced and the equalization of the tax burden;

Therefore, We offer the following resolution:

In the interest of economy we recommend that the following reduction be made in the salaries of the heads of departments of the State ten per cent, and the salaries of the members of the House and Senate ten per cent, and that this resolution be referred to Ways and Means Committee.

BUCHANAN.  
HANSON.  
McCORMACK.  
RUFFCORN.  
BOSLEY.  
SWIFT.”



Movd by Buchanan, duly seconded and carried, that the resolution be referred to the Committee on Ways and Means.

Moved by Gullidge, duly seconded and carried, that the House resolve itself into a Committee of the Whole, and all bills be read by title, history and section number only, be open to amendment, and that debate be limited to 10 minutes to each member.

#### CONSIDERATION OF GENERAL ORDERS.

Perrine in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole, having had under consideration bills on General Orders, respectfully report back with the recommendation that:

H. B. No. 113: Be re-referred to Committee on Irrigation and Water Rights.

H. B. No. 114: Be amended as follows:

Section 1 by inserting after the word "shall" in line 25 the words "when such defect has been called to the attention of the court."

And when so amended, do pass.

H. B. No. 118: Be amended as follows:

Section 1 by striking out in line 11 the following "in at least one newspaper printed at the seat of government," and inserting in lieu thereof the words "once in the newspaper printed at the seat of government, which is the lowest responsible bidder for such printing, as required by law."

Also Section 1 by adding the following words, after line 12 of printed bill: "In publishing the amount of every warrant paid as herein provided, it shall not be construed to also require the publication of the original amount of the warrant, and in addition the amount of interest paid thereon, but such publication shall only be the total amount paid in redeeming such warrant."

And when so amended, do pass.

H. B. No. 121: Be amended as follows:

Section 1 by striking out in line 12 the word "the" after the word "where" and inserting in lieu thereof the word "a."

And when so amended, do pass.

H. B. No. 122. Do pass.

H. B. No. 130: Be referred to the Judiciary Committee.

PERRINE, Chairman."

On motion of Perrine, report adopted.

The Committee on Printing, report as follows:

"Mr. Speaker:

We, your Committee on printing, to whom was referred House Bills Nos. 131, 155, 174, H. J. M. No. 6, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman."

Moved by Gullidge, duly seconded and carried, that the House adjourn until Monday, February 5, at 1:00 p. m.

CALVIN CRUMBAKER, Speaker.

Attest: JAMES A. SHOEMAKER, Chief Clerk.

#### THIRTY-SIXTH DAY

House of Representatives,  
February 5, 1923.

House convened pursuant to adjournment at 1:00 p. m.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Upon roll call all members present except: Cowley, Gillette and Goodman, excused; Baker and Fulsher, absent.

The Committee on Journal report as follows:

"Mr. Speaker:

We, your Committee on Journal, have this day examined the Journal for the 34th legislative day and found the same correct.

BUCHANAN, Chairman."

Report adopted.

The Committee on Engrossment reported House Bills Nos. 67 and 103 correctly engrossed.

The Committee on Printing reported as follows:

"Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bills Nos. 40, 62, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman."

### COMMUNICATIONS AND PETITIONS.

A communication from the Butte W. C. T. U. regarding prohibition enforcement was read.

### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received:

"Mr. Speaker:

We, your Committee on Rules, and Order of Business, having had under consideration, the request of the Senate relative to abrogating Rule 23 of Joint Rules and also that the word shall in the third line of Rule 26 be changed to may, and also shall in line six be changed to may; respectfully report as follows:

That the wishes of the Senate to acquiesced in.

BUELL, Chairman."

On motion of Buell, report adopted.

"Mr. Speaker:

We, your Committee on Townships and Counties, having had under consideration H. B. No. 182, by Terrett, a Bill for an Act entitled: "An Act to amend Section 4454 of the Revised Codes of the State of Montana, 1921, relating to the appointment of county commissioners by judges of the district court when vacancies occur," respectfully report as follows:

That H. B. No. 182, do pass.

SPENCER, Chairman."

On motion of Spencer, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration H. B. No. 130, by Bosley, entitled: "An Act authorizing cities and towns to appeal from the police or justice courts to the district court and from the district court to the supreme court in any criminal action or prosecution in which an ordinance of the city or town is held or adjudged invalid or unconstitutional," respectfully report as follows:

That H. B. No. 130, do pass.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration H. B. No. 188, by Fulsher, entitled, "An Act to amend Section 4917 of the Revised Codes of Montana of 1921, relating to the fees of county clerks," respectfully report as follows:

That H. B. No. 188 do not pass.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker :

We, your Committee on Judiciary, having had under consideration H. B. No. 38, by Cowley, entitled, "An Act to repeal Sections 12,392 and 12,514 of the Revised Codes of Montana 1921, creating the State Industrial School Fund," respectfully report as follows :

That H. B. No. 38 do pass.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker :

We, your Committee on Appropriations, having had under consideration H. B. No. 146, introduced by McCormack, a Bill for an Act entitled: "An Act to authorize the State Treasurer to transfer certain funds," respectfully report as follows :

That H. B. No. 146, do pass.

BUELL, Chairman."

On motion of Buell, report adopted.

"Mr. Speaker :

We, your Committee on State Lands, having had under consideration H. B. No. 101, by Duffy, entitled, an Act amending Section 1938 of the Revised Codes of Montana of 1921 relating to the foreclosure of state land loans and the sale of such lands bid in by the state at foreclosure sale; and providing for the resale thereof to the original mortgagor, his heirs or legatees, on the amortization plan," respectfully report as follows :

That H. B. No. 101 do not pass, but that Substitute for H. B. No. 101, entitled: "An Act amending Section 1938 of the Revised Codes of Montana of 1921 relating to the foreclosure of State Land Loans and the Sale of such lands bid in by the State at foreclosure sale; and providing for the re-sale thereof to the original mortgagor, his heirs or legatees, on the amortization plan," which is herewith submitted in lieu thereof, do pass.

CRONK, Chairman."

On motion of Cronk, report adopted.

Sub. for House Bill No. 101, introduced by the Committee on State Lands was read first and second times by title only, and referred to the Committee on Printing.

"Mr. Speaker :

We, your Committee on Agriculture, having had under consideration, H. B. No. 160, introduced by Brandjord, being a bill for an Act Establishing and locating an Agricultural Experiment Sub-Station in Missoula County, Montana, to be known as the Mission Valley Sub-Station, beg to report the same back to the House with the recommendation that it do not pass.

McCORMACK, Chairman."

On motion of McCormack, report adopted.

"Mr. Speaker :

We, your Committee on Education, having had under consideration, Sub. for H. B. No. 69, by Committee on Education, A Bill for an Act entitled: "An Act amending Subdivision Eight (8) of Section 1015 of the Revised Codes of Montana of 1921, relating to the powers and duties of School Trustees," respectfully report as follows :

That Sub. for H. B. No. 69 be recommended for passage.

GULLIDGE, Chairman."

On motion of Gullidge, report adopted.

"Mr. Speaker :

We, your committee on Education, having had under consideration, H. B. No. 164, by Zuck, Davis of Wibaux, Hamilton, McCarty, O'Connell, Tierney, Maury, Berryman and Dean: A bill for an Act entitled "An Act to provide for the filing and listing of School Text-books by publishers and selections



from such list by Boards of School Trustees and Boards of Education and the purchase of such books selected with School Funds at said filed prices," respectfully report as follows:

That H. B. No. 164 be recommended for passage.

GULLIDGE, Chairman."

On motion of Gullidge, report adopted.

"Mr. Speaker:

We, your Committee on Privileges and Elections, having had under consideration, H. B. No. 19, by Nelson, A Bill for an Act Entitled: "An Act to Amend Sections 640, 641, 645, 651 and 652 and to repeal Sections 642 and 643 of the Revised Codes of Montana of 1921, All Relating to Primary Elections," respectfully report as follows:

That H. B. No. 19 do pass.

RUFFCORN, Chairman."

On motion of Ruffcorn, report adopted.

"Mr. Speaker:

We, your Committee on Privileges and Elections, having had under consideration S. B. No. 39, By McCone, A Bill for an Act Entitled: "An Act Repealing Section 675 and 676, Revised Codes of Montana of 1921, Relating to the Printing of Campaign Books in the Primary Election for President," respectfully report as follows:

That S. B. No. 39 be concurred in.

RUFFCORN, Chairman."

On motion of Ruffcorn, report adopted.

"Mr. Speaker:

We, your Committee on State Boards and Officers, having had under consideration, H. B. No. 162, by Troy, A Bill for an Act Entitled: "An Act amending Section 210 of the Revised Codes of Montana of 1921, relating to the Duties of the State Examiner by adding thereto two paragraphs to be known as paragraphs 8 and 9," respectfully report as follows:

That H. B. No. 162, do pass.

OSTBY, Chairman."

On motion of Ostby, report adopted.

"Mr. Speaker:

We, your Committee on State Boards and Officers, having had under consideration H. B. No. 177, by Davis of Wibaux, a Bill for an Act entitled: "An Act to amend Section 213 of the Revised Codes of 1921, relating to the failure of County Officers to transmit statements to the State Examiner; or the refusal or neglect of any officer to comply with the lawful regulations as prescribed by the State Examiner and providing a penalty therefor," respectfully report as follows:

That H. B. No. 177 do pass.

OSTBY, Chairman."

On motion of Ostby, report adopted.

"Mr. Speaker:

We, your Committee on Labor, having had under consideration, H. B. No. 61, by Andrus, recommend the following amendments thereto:

Amend Section 1 by striking out in line 11, at the beginning of said line, the word "hours."

Also amend Section 1, by adding after the word "week" in line 11 the following: "and said employee shall not be permitted to work in such factory, mercantile establishment, shop, plant, or other industry, more than six days in any one week."

Also amend Section 2 by adding after the word "employed", in line 26 the following: "theatrical employees, and farmers operating their own property."

Also amend Section 5, by striking out in line 10, after the word "the", the words: "State Board of Arbitration and Conciliation", and inserting in lieu thereof the words: "State Industrial Accident Board."

Also amend Section 5, by striking out after the word "the" in line 23, the words: "State Board of Arbitration and Conciliation", and inserting in lieu thereof the words: "State Industrial Accident Board."

Your Committee further recommends that when said Bill has been so amended, the same do pass.

STONER, Chairman."

On motion of Andrus, report adopted.

"Mr. Speaker:

We, your Committee on Agriculture, having had under consideration H. J. M. No. 3 by Stoner, "Memorial to the Congress of the United States, and to the Legislature of Montana, to investigate the shortage of cars and to enact Legislation to prevent a similar condition and to stabilize the price of Farm Products," beg leave to report said Memorial back to the House with the recommendation that it do pass as amended.

We amend paragraph three, line two, after the word "Montana" by striking out the words "especially the Great Northern and Northern Pacific systems" and that as so amended we recommend the Memorial do pass.

McCORMACK, Chairman."

On motion of McCormack, report adopted.

#### INTRODUCTION OF BILLS AND MEMORIALS.

The Committee on Ways and Means requested and was granted permission by unanimous consent to introduce three committee bills and one committee resolution without previous notice.

The following bills were introduced, read first and second times by title only, and referred to committees as follows:

H. B. No. 204, by Mushbach: "A Bill for an Act entitled: 'An Act to amend Section 7136 of the Revised Codes of Montana of 1921, in relation to the appointment of water commissioners.'" (Committee on Irrigation and Water Rights).

H. B. No. 205, by Bosley: "A Bill for an Act entitled: 'An Act to amend Section 4327 Revised Codes of Montana, 1921, relating to the boundaries of Judith Basin County, Montana.'" (Committee on New Counties and Divisions.)

H. B. No. 206, by Bosley: "A Bill for an Act entitled: 'An Act to amend Section 4157, Section 4158, Section 4161, Section 4163, Section 4169 of Chapter 269, Revised Codes of Montana, 1921, regulating and licensing employment agencies, and adding a new Section to said Chapter, numbered Section 4172A.'" (Committee on Labor.)

H. B. No. 207, by Smith: "A Bill for an Act entitled: 'An Act to amend Subdivision 2, of Section 9111 of the Revised Codes of Montana of 1921, relating to service of summons.'" (Committee on Judiciary.)

H. B. No. 208, by Cady: "A Bill for an Act entitled: 'An Act to regulate advertisements in any public highway or on private premises without consent of owner of said property and to provide for a license tax on bill boards and signs to be used for highway improvement.'" (Committee on Highways.)

H. B. No. 209, by Loble, Smith and Oker: "A Bill for an Act entitled: 'An Act to amend Sections 4584, 4586, and 4592 of Chapter 17 of Part IV of the Political Code of Montana of 1921, relating to the assessment of the cost of rural improvements and the operation and maintenance of rural improvements and to add to said Chapter a new Section to be numbered 4598a, relating to water and light rentals in rural improvement districts.'" (Committee on Townships and Counties.)

H. B. No. 210, by Larsen of Sheridan: "A Bill for an Act entitled: 'An Act to amend Section 105 of the Revised Codes of Montana of 1921, relating to the printing and distribution of measures for initiative and for referendum.'" (Committee on Privileges and Elections.)

H. B. No. 211, by Bricker: "A Bill for an Act entitled: 'An Act to establish a game preserve in Jefferson National Forest, in Judith Basin County, for the protection of game animals and birds, to be known as Little Belt Mountains

Game Preserve, and providing penalties for the killing hunting, trapping, and pursuing any game animals or birds in such preserve, or the carrying of fire arms therein.'” (Committee on Fish and Game.)

Committee on Education requested and was granted permission by unanimous consent to introduce a committee bill without previous notice.

H. B. No. 212, by Facey, “A Bill for an Act entitled: ‘An Act for the submission to the qualified electors of the State of Montana of an amendment to Section 1 of Article V of the Constitution of the State of Montana relating to the Legislative Department.’” (Committee on Constitutional Amendments.)

H. B. No. 213, by Facey: “A Bill for an Act entitled: ‘An Act to prohibit pool halls, billiard halls or card rooms from erecting and maintaining screens, curtains or partitions which obstruct the clear view of the interior thereof; declaring a violation of this act to be misdemeanor and fixing a penalty.’” (Committee on Public Morals, Charities and Reforms.)

H. B. No. 214, by Bernard and Cady: “A Bill for an Act entitled: ‘An Act to provide for a license tax on motor vehicles and other vehicles and upon chauffeurs and other operators of such vehicles, and upon dealers in such vehicles, for the privilege of using the public streets, roads and highways of the State of Montana and for the repair of the injury thereto caused by such use and for the improvement, maintenance and policing thereof; to provide for the registration, identification and conduct of motor vehicles and other vehicles and of chauffeurs and other operators thereof and of dealers therein and for the collection of such license taxes, and for the creation of a State Highway Fund and the use and disposition thereof; to provide for the construction, maintenance, betterment and policing of certain roads, streets and highways of the State and for the direction and supervision of such work by the State Highway Commission and defining the duties and powers thereof; to provide for the filing of sworn statements of manufacturers of motor vehicles concerning the weights and prices of vehicles manufactured by them; to provide for the acceptance of the provisions of certain acts of the Congress of the United States and for co-operation with the Federal Government in the construction and maintenance of certain roads and highways and pledging the good faith of the State of Montana therefor; to provide for the administration of this act and for punishment for violations thereof, and for repealing all acts or parts of acts in conflict herewith.’” (Committee on Highways).

H. B. No. 215, by Ways and Means Committee: “A Bill for an Act entitled: ‘An Act to amend Section 2819 of the Revised Codes of Montana of 1921, fixing and prescribing terms of office and salary of chairman of Industrial Accident Board.’” (Committee on Ways and Means).

H. B. No. 216, by Ways and Means Committee: “A Bill for an Act entitled: ‘An Act providing that the clerk of the Consolidated Boards shall be the ex-officio State Parole Commissioner and providing the duties of said commissioner.’” (Committee on Ways and Means).

H. B. No. 217, by Ways and Means Committee: “A Bill for an Act entitled: ‘An Act to abolish the office of County Auditor and to repeal Sections 4824, 4825, 4826, 4827, 4828, 4829, 4830, 4831, 4832, 4833 and 4834 of the Revised Codes of the State of Montana of 1921, being Chapter 30 of Part IV of the Political Code of the State of Montana, relating to the office of County Auditor.’” (Committee on Ways and Means.)

H. B. No. 218, by Committee on Education: “A Bill for an Act entitled: ‘An Act to repeal Sections 1113, 1114, 1115, 1116, 1117, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, and 1132 of the Revised Codes of Montana of 1921, and to provide for the distribution of all funds in the hands of the State Treasurer of the State of Montana belonging to the public school teachers’ retirement salary fund and the public school teachers’ permanent fund.’” (Committee on Education.)

H. J. R. No. 2, by Committee on Ways and Means: “A Resolution requesting an investigation by the State Board of Equalization of wide divergence of ‘market value’ of crude oil, as reported for production license tax during the years 1921 and 1922.” (Committee on Ways and Means.)



Moved by Gullidge, duly seconded and carried that a committee of three be appointed by the Speaker to arrange for the floral piece for the funeral of the late Mrs. Goodman, and that said committee represent the House of Representatives at the funeral.

The Speaker named the following as members of this committee:

Oker, Armstrong, Tawney.

Moved by Gullidge, duly seconded and carried that it be the sense of this 18th Legislative Assembly from this day to the end of the session that only one minute be granted to any member for the explanation of his vote on any measure and that no member be allowed more than three explanations in any one day.

Moved by Gullidge, duly seconded and carried that House Bills No. 26 and 174 be taken from General Orders and referred to the Committee on Improvements and Manufacturing.

Moved by Gullidge, duly seconded and carried that Orders of Business 8 and 9 be passed over with the exception of H. J. R. No. 1 and H. J. M. No. 5.

### THIRD READING OF HOUSE BILLS.

Moved, by Gullidge, duly seconded and carried that the following Memorial and Resolution be read by history and title only.

H. J. Resolution No. 1, haing been read three several times and title and history agreed to, was passed without dissenting vote.

House Memorial No. 5, having been read three several times and title and history agreed to, was passed by a vote of 49 in favor and 24 against.

The Committee on Enrollment reported House Bills Nos. 9 and 10 and 11 correctly enrolled.

The Speaker gave notice that he was about to sign House Bills Nos. 9, 10, and 11, and thereupon signed the same.

### CONSIDERATION OF GENERAL ORDERS.

Moved by Gullidge, duly seconded and carried that the House resolve itself into a Committee of the Whole.

Spencer in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole, having had under consideration bills on General Orders, respectfully report back with the recommendation that:

H. B. No. 42: Do pass.

H. B. No. 105: That the enacting clause be stricken therefrom.

H. B. No. 97: Do pass.

H. B. No. 96: be amended as follows:

Section 1 by striking out in line 2 the word "no" and inserting in lieu thereof the word "a" also by inserting in line 2 after the word "is", the word "not", also by inserting the following after the words "same county" in line 4, "or different counties."

Also Section 1 by striking out the words "herewith be" in line 5 and inserting the words "are hereby" in lieu thereof.

And when so amended, do pass.

H. B. No. 95: Do pass.

H. B. No. 127: Be amended as follows:

Section 4 by inserting the words after "thereof" in line 15 as follows "In addition to the lien created above on the land of the insured, the levy for such hail insurance shall also constitute a lien on the crops insured, said lien shall be enforced in the same manner as provided in Section 7 of this act and all applications for hail insurance shall be in such form as to constitute the lien herein provided."

Also Section 4 by striking out in line 29 and line 30 the words "on or before the first day of October of each year."

Also Section 6 by striking out all of the section after the first word in line 15.

Section 12 by striking out lines 5, 6, 7, 8, 9.

Section 1 by striking out the comma in line 11 after the word "state" and inserting a period, and capitalizing the word "the" before the word "Governor."

By adding to section 1 the following: "Provided, however, that this act shall not be so construed, as to empower anyone except the actual owner of the land to make such land subject to the hail tax provided in this act."

And when so amended do pass.

H. B. No. 137: Do pass.

S. B. No. 20: Be concurred in.

S. B. No. 32: Be concurred in.

H. B. No. 33: Be amended as follows: Amend title by adding after 8897, "of Chapter 15"

And when so amended: Do pass.

SPENCER, Chairman."

On motion of Spencer report adopted.

The Committee on Printing reported as follows:

"Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bills Nos. 26, 107, 125, 139, 165, 166, 152, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman."

On request of Oker, and with unanimous consent, reverted to:

#### MOTIONS AND RESOLUTION.

Moved by Oker, duly seconded and carried that the chairman appoint a committee of three to draft suitable resolutions to express the sympathy of the House for Mr. Goodman, in the death of his wife.

Mr. Speaker named the following: Carlson of Gallatin, Denny, Gullidge.

Gullidge gave notice that on tomorrow he would make a motion to dispen with the third reading of all bills on third reading.

Moved by Oker, duly seconded and carried that the House adjourn until Tuesday, February 6th at 10:30 A. M. out of respect of the memory of the late Mrs. Goodman.

CALVIN CRUMBAKER, Speaker.

Attest: J. A. SHOEMAKER, Chief Clerk.

#### THIRTY-SEVENTH DAY

House of Representatives,  
February 6, 1923.

House convened pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Upon roll call all members present except: Baker, and Gillin, absent; Cowley, Gillette, and Goodman, excused.

The Committee on Journal reported as follows:

"Mr. Speaker:

We, your Committee on Journal, have this day examined the Journal for the 36th legislative day and found the same correct.

ZUCK, Vice-Chairman."

Report adopted.

The Committee on Engrossment reported House Bills Nos. 118, 121, and 122 correctly engrossed.

## COMMUNICATIONS AND PETITIONS.

## COMMUNICATIONS FROM THE SENATE.

"Helena, Montana, February 5, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Senate Bills were this day read three several times, title agreed to and are herewith transmitted to the House for concurrence.

Senate Bill No. 48, introduced by Garber: "An Act amending Section 4736, Revised Codes of Montana 1921, relating to certain duties of county officials."

Senate Bill No. 68, introduced by Adams: "An Act authorizing board of commissioners of irrigation districts to cancel assessments made for the benefit of the United States, and to amend Section 7236 of the Revised Codes of 1921."

Very Respectfully,

J. F. CONE, Secretary of the Senate."

Moved by Gullidge; duly seconded and carried, that the following Senate communications be considered read at length:

"Helena, Montana, February 5, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee of the Whole to whom was referred business on General File report as follows:

Senate Substitute for Senate Bill Nos. 1 and 19 and recommend that same do pass.

Also Senate Bill No. 85, and recommend that same do pass.

Also Senate Bill No. 79, and recommend that same do pass.

On Senate Bill No. 24, recommend that same be amended (Section 4), by striking out in lines 4 and 5 of said section the word "inmate" and the comma after said word and inserting in lieu thereof the word "the."

Amend Section 8 by inserting in line one after the word "board" the words "and any operation performed thereunder."

And as amended recommend that same do pass.

Very Respectfully,

J. F. CONE, Secretary of the Senate."

"February 5, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following notices of bills were this day presented:

By Garber: "An Act for regulating and prohibiting the use and bearing firearms within the State of Montana, declaring a violation of this act a misdemeanor, prescribing penalties therefor, and fixing jurisdiction of offenses for violation of the act."

By Healy: "An Act to amend Sections 3118, 3119, 3122, and 3124 of Chapter 223 of the Revised Codes of Montana, 1921, relating to the practice of medicine and defining the powers and duties of State Board of Medical Examiners and repealing all acts and parts of acts in conflict therewith."

By Porter: "An Act to amend Section 3979 of the Revised Codes of Montana, 1921, relating to delinquent tax sales."

By Watson: "A Bill for an Act establishing and locating an agricultural experiment sub-station in Missoula county, Montana, to be known as the Mission Valley sub-station."

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 5, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the attached Senate Bills were this day read first and second times and referred to standing committees.

Very respectfully,

J. F. CONE, Secretary of the Senate."



Senate Bill No. 114, by Mains: "An Act relating to marriage; providing for the issuance, return and record of marriage licenses; providing the manner in which marriages may be contracted; providing who may contract a legal marriage, providing for filing objections by any person to a marriage; making false statements for the issuance of a marriage license, or objections thereto, a misdemeanor and providing penalty therefore; making the issuance of a license in violation of the provisions of this act a misdemeanor and providing a penalty therefor; prescribing forms for marriage license and certificate and prescribing what shall be contained therein; making the solemnizing of a marriage in violation of the provisions of this act a misdemeanor and providing penalty therefor; providing what marriages shall be null and void; making the record of the marriage license prima facie evidence of such marriage in all courts of this State; providing for the validating of void marriages contracted through mistake of fact; providing for an annual report of marriages by the clerk of the district court to the State Board of Health; and repealing Sections 5395, 5696, 5699, 5707, 5709, 5711, 5712, 5713, 5714, 5715, 5716, 5717, 5718, 5719, 5720, 5721, 5724 of Chapter 3 and Sections 11212 and 11213 of Chapter 36 of the Revised Codes of Montana of 1921, and all acts or parts of acts in conflict herewith." (Committee on Judiciary.)

Senate Bill No. 115, by Lowe: "An Act relating to fees, and amending and re-enacting Section 4893 of the Revised Codes of Montana of 1921, providing that no fees must be charged the State or any county, or any subdivision thereof, including irrigation districts and drainage districts, or any public officer acting therefor, or in habeas corpus proceedings for official services rendered." Committee on Judiciary.

Senate Bill No. 116, by Paul, Dowlin and Clark: "An Act to amend Section 4194 of the Revised Codes of Montana of 1921, relating to the State Sealer of Weights and Measures, and providing that the State Sealer of Weights and Measures be ex officio State Oil Inspector of the State of Montana, and for the enforcement of the act, inspection of oil, and prescribing the powers and duties of such State Oil Inspector, and abolishing the office of Deputy Oil Inspector, and providing that said State Oil Inspector shall receive no compensation other than as fixed in this act." Special committee to be appointed.

Senate Bill No. 117, by Mains: "An Act providing for an interlocutory degree upon the granting of a divorce, prohibiting marriage to another within one year thereafter; making such marriage null and void; declaring the same to be a felony, and providing a penalty therefor; amending Section 5765 of Chapter 5 of the Revised Codes of Montana, 1921, providing for limitation of time and providing for limiting time when trial may be had." Judiciary Committee.

Senate Bill No. 118, by Paul, Dowlin and Clark: "An Act to repeal Section 4208 of the Revised Codes of Montana of 1921, relating to the State gasoline inspection fund." Special committee to be appointed.

Senate Bill No. 119, by Walker: "An Act to amend Section 4874 of the Revised Codes of Montana of 1921 relating to the authority of the county commissioners to fix compensation and appointment of deputy county officers." Counties and Towns.

Senate Bill No. 120, by Duncan: "An Act to amend Section 1243 of the Revised Codes of Montana of 1921, relating to the disposition of fines, costs and forfeitures of all courts except police courts." Judiciary.

Senate Bill No. 121, by Staggs: "An Act to amend Sections 5537 and 105 of the Revised Codes of Montana of 1921, relating to the manner of publication of proposed constitution, constitutional amendments or other questions to be submitted to the people of Montana for popular vote; and providing for the publication of arguments for and against such questions." Judiciary.

Senate Bill No. 122, by Rhoads: "An Act to establish a bird preserve in a portion of Teton county for the protection of birds to be known as the Teton-Spring Creek Birds Preserve and providing penalties for the killing, hunting, trapping and pursuing any birds in said preserve of the carrying of fire-arms therein." Fish and Game.

Senate Bill No. 123, by Cowan: "An Act relating to the collection of taxes and assessments levied for irrigation district and drainage district purposes and requiring county treasurers to collect, receive and receipt for such irrigation

district and drainage district taxes and assessments at the same time and upon the same receipt as taxes levied upon real property for county purposes." Irrigation and Water Rights.

Senate Bill No. 125, by Stewart of Meagher, Conser, Griffin and Watson: "An Act to provide for party nominations by direct vote; to establish a system of voting by mail at such primary elections; to provide a means of giving notice of such primary; to provide a method for the counting and canvassing of such vote; providing punishment for violation hereof, and repealing all acts and parts of acts in conflict herewith." Elections and Privileges.

Senate Bill No. 124, by Kane: "An Act relating to irrigation districts, enacting a new section to be designated as Section 7189A of the Revised Codes of Montana of 1921, giving to the court continuing jurisdiction over proceedings for establishment of districts, for the inclusion or exclusion of lands therein, or the change of the boundaries thereof with powers to make proper corrections and amendments of matters included in any order made in any such proceeding, including description of lands and providing the procedure for the exercise of such powers, also enacting another new section to be designated as Section 7231A of the Revised Codes of Montana of 1921, providing a limitation against actions or proceedings allocating orders or decrees purporting to establish districts or correcting or amending any such order or decree, validating districts heretofore established or attempted to be established by order of court and the acts and proceedings of such districts or their commissioners leading up to the authorization, issuance or sale or proposed issuance or sale, of bonds, as well as such bonds: also amending Sections 7190, 7191 and 7192 of the Revised Codes of Montana of 1921, relating to the determination of acreages in irrigation districts, and regulating the procedure therefor." Irrigation and Water Rights.

Senate Bill No. 126, by Mears: "An Act providing for the keeping of books and examination thereof in school districts of the third class, declaring the failure or refusal to comply with the provisions of this act to be grounds for removal from office of the offending officer; prescribing the method of removal from office and providing for the payment of the costs of the proceedings therefor." Referred to Committee on Education."

Mr. Speaker:

"Helena, Montana, February 5, 1923.

I am directed by the Senate to inform your Honorable Body that the following standing committees recommend and report as follows:

Committee on Finance and Claims: House Bill No. 50, introduced by Rodgers. Amend Section 1, by inserting after the word "Amortization" in line 15 on page 2, the words "or serial bonds," and by striking out in line 18, on page 2, the word "Amortization," and as amended same be concurred in.

Also House Bill No. 53, introduced by Brandjord, be amended by adding in Section 3, the following sentence, "Provided, however, that this act shall not be so construed as to authorize a higher rate of interest on any kind or class of bond than 6 per centum per annum, and as amended same be concurred in.

Also House Bill No. 57, introduced by Cowley, recommend that same be concurred in.

Also House Bill No. 18, introduced by Scharnikow, recommend that same be concurred in.

Also House Bill No. 14, introduced by Brandjord, recommend that same be concurred in.

Committee on Irrigation and Water Rights: House Bill No. 64, introduced by Goodman, recommend that same be concurred in.

Very respectfully,

J. F. CONE, Secretary of the Senate."

Mr. Speaker:

"Helena, Montana, February 5, 1923.

I am directed by the Senate to inform your Honorable Body that on motion of Senator Harmon, duly moved and seconded, the following committee of three was appointed to send a telegram to Representative Goodman and family and to prepare a flower tribute to the memory of Mrs. Goodman:

Senators Muffly, Loy and Layton.

Respectfully,

J. F. CONE, Secretary of the Senate."



## NOTICES.

Authors gave notice that they will on tomorrow or some subsequent date introduce bills as follows:

By Committee on Appropriations: "A Bill for an Act entitled: 'An Act to amend Section 293 of the Revised Codes of Montana of 1921, relating to supervision of public printing.'"

By Committee on Appropriations: "A Bill for an Act entitled: 'An Act to amend Section 1415 of the Revised Codes of Montana 1921, relating to appointment of, removal and salary of the superintendent of the insane asylum and his assistant.'"

By Burke: "A Bill for an act entitled: 'An Act to amend Section 9432 of the Revised Codes of Montana of 1921 relating to notice of sale, how given, copy of notice, by amending Sub-division two thereof.'"

By Larsen of Sheridan: "A Bill for an Act entitled: 'An Act to amend Section 7726 of the Revised Codes of Montana of 1921, fixing and prescribing legal rates of interest.'"

By Berryman: "A Bill for an Act entitled: 'An Act relating to the sale of real property for delinquent taxes, and to amend Sections 2188, 2217, 2218, 2219, 2220, 2221, 2231, 2232 and 2233, and to repeal Section 2182, 2183, 2184, 2185, 2186, 2187, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2201, 2202, 2204, 2205, 2206, 2208, 2209, 2212, 2213, 2214, 2215, 2216, 2224, 2225, 2229, and 2230, of the Revised Codes of 1921.'"

By Bernard: "A Bill for an Act entitled: 'An Act repealing Section 146 of the Revised Codes of Montana of 1921, relating to fees of Secretary of State for filing and recording articles of incorporation and issuance of certificates of foreign and domestic religious societies, church organizations for religious purposes and fraternal societies not having capital stock and not organized for purposes of profit.'"

By Committee on Judiciary: "A Bill for an Act entitled: 'An Act amending Section 6206, of Chapter 18, of the Revised Codes of the State of Montana, 1921, increasing the requirements of surety companies for admission into this State and requiring such surety companies to have a paid-up capital stock of not less than five hundred thousand dollars.'"

By Scharnikow: "A Bill for an Act entitled: 'An Act fixing the maximum compensation that may be paid to State officers, their deputies or assistants, and all other subordinates and employees in the various state institutions of the State, whose compensation is not specifically provided for by law, and repealing all acts in conflict therewith.'"

By Scharnikow: "A Bill for an Act entitled: 'An Act fixing the maximum compensation that may be paid to State officers, their deputies or assistants, and all other subordinates and employees of the various state boards and commissions, whose compensation is not specifically provided for by law, and repealing all acts in conflict therewith.'"

By Scharnikow, Oker, Pope, Carlson of Gallatin: "A Bill for an Act entitled: 'An Act fixing the salaries of State officers, State and district judicial officers, and members of the legislature and repealing all acts in conflict therewith.'"

By Scharnikow, Oker, Pope, Carlson of Gallatin: "A Bill for an Act entitled: 'An Act fixing the salaries of certain deputy State officers, clerks, stenographers and other employers at the State capitol, and repealing all acts in conflict therewith.'"

By Carlson of Gallatin, Pope, Scharnikow: "A Bill for an Act entitled: 'An Act defining and describing and creating judicial districts within the State of Montana; prescribing the number of judges for each district and providing for the assignment of judges to other districts by the supreme court, and repealing Sections 8812 and 8813 of the Revised Codes of Montana of 1921.'"

By Sandy by request: "A Bill for an Act entitled: 'An Act changing the boundary line between Lewis and Clark county and Jefferson county, State of Montana, and amending Sections 4326 and 4328 of the 1921 Revised Codes of the State of Montana.'"

By Committee on Affairs of Cities: "A Bill for an Act entitled: 'An Act to amend Sections 5097, 5098, 5099, 5100, 5101 and 5106 of the Revised Codes of



Montana of 1921, prescribing the qualifications of policemen of cities, their term of office, the method of their appointment, trials for misconduct or malfeasance in office, their suspension or discharge, and to provide for the creation of a police commission to examine all applicants and to try and determine all charges filed against policemen, and prescribing the method of review and appeal of any sentences imposed, and defining who are on the eligible list for service.' "

By Smethurst: "A Bill for an Act entitled: 'An Act to amend Sections 2865, 2866, 2867, 2870, 2876, 2877, 2889, 2891, 2892, 2893, 2894, 2896, 2897, 2898, 2899, 2900, 2905, 2906, 2907, 2911, 2912, 2913, 2914, 2915, 2916, 2917, 2918, 2919 and 2920 of the Revised Codes of Montana of 1921 relating to the workmans compensation law and to repeal Sections 2909 and 2910 of the Revised Codes of Montana of 1921, relating to workmans compensation law.' "

By Tawney: "A Bill for an Act entitled: 'An Act relating to irrigation districts, enacting a new section to be designated as Section 7189A of the Revised Codes of Montana of 1921, giving to the court continuing jurisdiction over proceedings for creation of districts, for the inclusion or exclusion of land therein or the change of the boundaries thereof with powers to make proper corrections and amendments of matters included in any order made in any such proceedings, including description of lands and providing the procedure for the exercise of such powers; also enacting another new section to be designated Section 7231A of the Revised Codes of Montana of 1921, providing a limitation against actions or proceedings allocating orders or decrees purporting to establish districts or correcting or amending any such order or decree, validating districts heretofore established or attempted to be established by order of court and the acts and proceedings of such districts or their commissioners leading up to the authorization, issuance or sale, or proposed issuance or sale, of bonds, as well as such bonds; also amending Sections 7190, 7191, 7192 of the Revised Codes of Montana of 1921, relating to the determination of acreages in irrigation districts, and regulating the procedure therefor.' "

By Strange: "A Bill for an Act entitled: 'An Act relating to irrigation districts, and amending and re-enacting Sections 7166, 7171, 7173, 7174, 7177, 7184, 7210, 7212, 7214, 7215, 7220, 7224, 7226, 7227, 7228, 7229, 7230, 7234, and 7235 of the Revised Codes of Montana of 1921, which relate to the establishment, organization and government of irrigation districts; providing who may organize such districts and in what cases, and requirements therefor, and making regulations for the status, powers, duties organization and place of meeting of the board of commissioners of such districts, vacancies in such board, and the salary and compensation of such commissioners and penalty for interest in contracts; for the qualification and designation of electors and the manner of voting by agents, co-owners and purchasers of land under contract of sale; concerning the purposes for which bonds of such districts may be issued, and the authorization, issuance, confirmation, details, record, negotiation, disposition, delivery and cancellation of such bonds, and the disposition of proceeds of sale thereof; for the refunding, redemption and payment of bonds and warrants of such districts, and the authorization, issuance, confirmation, details, record, negotiation, disposition, delivery and cancellation of refunding bonds of such districts, and the lien of such refunding bonds and of taxes and assessments levied to pay the same; also providing rules for the apportionment of costs and the charging thereof to the lands, with express provisions for pumping costs; making regulations for assessments and the levy, adjustment, collection and cancellation of, and limitations upon taxes and assessments, and the apportionment of such taxes and assessments according to the irrigable area of such districts; for the expenses of the State irrigation district bond commission and the expenditures by such districts of funds derived from bonds certified by such commission: and enacting two new sections to be designated as Sections 7235A and 7235B of said Revised Codes of Montana of 1921, also relating to such irrigation districts, providing for proceedings for the determination of the irrigable area of such districts and the apportionment of the costs of any works or improvements to the lands in such districts, and the confirmation of such proceedings by the district court, and providing for the extent of the liens of taxes and assessments levied upon the lands in such districts and for the refund or cancellation of assessments upon excess acreage, and limiting and

defining the rights and privileges of owners of tracts of land containing no irrigable area, and limiting the period within which the taxable acreage of any land in said districts may be fixed and adjudicated.”

By Strange: “A Bill for an Act entitled: ‘An Act relating to irrigation districts, amending and re-enacting Sections 7249 and 7258 of the Revised Codes of Montana of 1921, relating to the liability and duty of county treasurers and the transfer of and interest of district funds and enacting a new section to be designated as Section 7215A of the Revised Codes of Montana of 1921, authorizing and regulating the investment of money in the construction fund.’”

By McCormack: “A Bill for an Act entitled: ‘An Act to designate and provide for the destruction and eradication of Canada thistles, quack grass, and the appointment by county commissioners and city councils of a weed commissioner, defining his duties, fixing his compensation and providing penalties for violations of the provisions of said act, and to repeal sections 4506, 4507, 4508, 4509, 4510, 4511, 4512, 4513, of the Revised Codes of Montana of 1921.’”

By Arnold: “A Bill for an Act entitled: ‘An Act establishing a State Highway commission; prescribing its powers and duties; authorizing the construction, maintenance, repair and marking of public roads and bridges; creating a State highway fund; imposing duties upon local road officials and assenting to the Federal aid act of congress; and authorizing the State Highway Commission to co-operate with the United States government in the construction of roads and bridges, and repealing Chapter 139 of the revised Codes of Montana of 1921.’”

By Arnold: “A Bill for an Act entitled: ‘An Act to amend Section 9334 and to repeal Sections 9336 and 9347, Revised Codes of Montana for 1921, all relating to the manner of drawing juries and the exercising of challenges for cause and peremptory challenges.’”

By Facey: “A Bill for an Act entitled: ‘An Act to prohibit closed booths in restaurants and cafes; declaring a violation of the act to be a misdemeanor and fixing a penalty.’”

The Committee on Printing reported as follows:

“Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bills Nos. 23, 172, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman.”

#### REPORTS OF SELECT COMMITTEES.

The Special Committee appointed to draft resolutions expressing sympathy for Mr. Goodman in the death of Mrs. Goodman, reported as follows:

“Mr. Speaker:

We, your Committee on the Memorial of the death of Mrs. E. H. Goodman, beg leave to submit the following:

Whereas, It has pleased the Divine Master to remove from our midst, and called to her reward the beloved wife of Judge E. H. Goodman;

Therefore, Be It Resolved, That being mindful of the uncertainties of life and the certainty of death, condolences at such a time are but a feeble expression of our deep sorrow, and sympathy for the bereaved ones. In this great loss, a kind and devoted wife, a tender and loving mother has been removed from society, and her loss to the husband and child and to society is irreparable.

It is, therefore, with the deepest and most heartfelt sympathy that we, members of the Eighteenth Legislative Assembly of Montana, extend to the husband and the child, in this great hour of their bereavement, our condolences, and share their sorrow in this hour of need.

Resolved, That these resolutions be spread upon the minutes of the House and printed in the House Journal, and that a copy be given to the newspapers of the State.

DENNY.  
CARLSON of Gallatin.  
GULLIDGE.

On motion of Gullidge, report adopted.



## REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received :

"Mr. Speaker :

We, your Committee on Workmen's Compensation, having had under consideration H. B. No. 119, by Loble: "A Bill for an Act entitled: 'An Act to be hereafter named and cited as the old age pension act, designating the boards of county commissioners of the respective counties of the State of Montana as the Old Age Pension Commission for their several counties, prescribing their duties as such and giving to said Old Age Pension Commission power to make such rules and regulations as shall be necessary to carry out the provisions of this act, providing certain persons over the age of sixty years may be granted old age pensions, describing their qualifications therefor as to residence, character and property; providing for the re-payment to the several counties of all moneys paid in old age pensions, under certain conditions; providing the requirements to be made by an applicant before the old age pension may be collected; providing for old age pension certificates and renewal thereof; providing for payment of old age pensions; providing that old age pensions shall not be subject to assignment, sale, attachment, or execution; providing for cancellation of old age pension certificates under certain conditions; providing penalties for obtaining or aiding and abetting in obtaining old age pensions through false representation or fraud; providing for the disqualification of applicants under certain conditions; providing that old age pensions are to be paid from the poor fund of the various counties; and providing for the reports of Old Age Pension Commission to the State Auditor; and repealing all acts in conflict herewith,'" respectfully report as follows :

That H. B. No. 119 do pass.

HANSON, Chairman."

On motion of Hanson, report adopted.

"Mr. Speaker :

We, your Committee on Revenue and Taxation, having had under consideration H. B. No. 173, by Oker and Joffray: A Bill for an Act entitled: "An Act to amend Chapter 97 of Part three of the Political Code of Montana, 1921, by adding two sections thereto to be known as Sections 1203-A and 1203-b, providing for the levying of a poll and capitation tax for school purposes, and disposition of moneys derived from such tax, and providing that Sections 2274-2294 of the Revised Codes of Montana, 1921, shall be applicable in the carrying into effect the provisions of said act," respectfully report as follows :

That H. B. No. 173 do not pass.

SWIFT, Chairman."

Moved by Swift, and duly seconded, that report be adopted.

Moved by Oker, as a substitute, and duly seconded, that House Bill No. 173 be printed and place on General Orders.

Moved by Gullidge that the question be divided.

Portion of motion relating to printing, duly carried.

Portion of motion relating to placing on General Orders carried.

"Mr. Speaker :

We, your Committee on Education, having had under consideration H. B. No. 218, by Committee on Education: "A Bill for an Act entitled: 'An Act to repeal Sections 1113, 1114, 1115, 1116, 1117, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, and 1132 of the Revised Codes of Montana of 1921, and to provide for the distribution of all funds in the hands of the State Treasurer of the State of Montana belonging to the public school teachers' retirement salary fund and the public school teachers' permanent fund,'" respectfully report as follows :

That H. B. No. 218 do pass.

GULLIDGE, Chairman."

On motion of Gullidge, report adopted.

"Mr. Speaker :

We, your Committee on Education having had under consideration H. B. No. 108, by McCarty, a Bill for an Act entitled: "An Act to empower the board



of county commissioners to provide maintenance to indigent persons while in vocational training under certain conditions and providing for the appointment of a person to act as agent for the rehabilitation bureau to serve without pay," respectfully report as follows:

That H. B. No. 108 do pass.

GULLIDGE, Chairman."

On motion of Gullidge, report adopted.

"Mr. Speaker:

We, your Committee on Affairs of Cities, having had under consideration H. B. No. 184, by Benedict, a Bill for an Act entitled: "An Act to add one section to be numbered 4977-A to the Revised Codes of Montana of 1921, relating to the additions to cities or towns," respectfully report as follows:

That H. B. No. 184 do not pass.

LEASE, Chairman."

On motion of Lease, report adopted.

"Mr. Speaker:

We, your Committee on Affairs of Cities, having had under consideration H. B. No. 200, by Bosley: A Bill for an Act entitled: "An Act to amend Chapter 56 Part IV of the Political Code of the Revised Codes of Montana 1921, relating to special improvement districts in cities and towns by adding thereto two new sections to be numbered 5226-B and 5242-A, providing for the creation of special improvement districts for the purpose of maintainng, preserving and careing for planking or re-planking, paving or re-paving, macadamizing or re-macadamizing, graveling or re-graveling, piling or re-piling, capping or re-capping, surfacing or re-surfacing or oiling or re-oiling in such special improvement districts and for the continued maintenance, preservation and care of such improvements," respectfully report as follows:

That H. B. No. 200, by Bosley, do pass.

LEASE, Chairman."

On motion of Lease, report adopted.

"Mr. Speaker:

We, your Committee on Labor, having had under consideration H. B. No. 192, introduced by Larsen of Sheridan, being a Bill for an Act entitled: "An Act to amend Section 3478, Chapter 252, Revised Codes of Montana 1921, known as the 'coal mining code' relative to the obtaining of certificates by mine foremen, mine examiners or fire bosses, and providing that mine foremen, mine examiners, or fire bosses in certain coal mines need not obtain such certificates," beg leave to offer the following amendment to said bill:

Amend Section 3478 by striking out all of lines 25 and 26, down to and including the word "entrance," and insert in lieu thereof in line 24, after the word "mines" the following: "where six or fewer men work."

And when said bill has been so amended, your committee recommends that same do pass.

STONER, Chairman."

On motion of Stoner, report adopted.

"Mr. Speaker:

We, your Committee on Highways, having had under consideration H. B. No. 190, by Bernard and Cady, being a Bill for an Act entitled: "A Bill for an Act to provide for regulating in certain respects the conduct, behavior, operation and equipment of vehicles using the public streets, roads and highways of this State and restricting and prohibiting the use thereof, for certain purposes; to provide for limiting the weight and dimensions of loads and vehicles and the speeds of travel thereof, to prohibit local authorities from reducing the speeds prescribed by this act except under certain conditions and defining certain duties and powers of the State Highway Commission; to provide for punishment for violations of this act and repealing all acts and parts of acts in conflict herewith," respectfully report as follows:

That H. B. No. 190 be amended to read as follows:

That the word "three" in Section 2, Page 6, Line 2 be stricken out and in lieu thereof the word "one" be inserted.

And that as so amended the bill do pass.

It was unanimously agreed to make H. B. No. 190 a Highway Committee bill.  
BERNARD, Chairman."

On motion of Bernard, report adopted.

"Mr. Speaker:

We, your Committee on Privileges and Elections, to whom was referred House Bill No. 8, a Bill for an Act entitled: "An Act to repeal Sections 671, 672, 673, 674, 675 and 676 of the Revised Codes of Montana of 1921, these sections now being what was initiative measure entitled, 'A Bill to propose by initiative petition a law to provide for the expression of the people of the State of Montana of their preference of party candidates for president and vice president of the United States, the election of delegates to presidential conventions and the nomination of presidential electors by direct vote,' initiated and passed by the people of the State of Montana at the general election of 1912," having had the same under consideration, your committee respectfully recommend that said bill be amended as follows:

1. Strike out all of Section 2 thereof and insert in lieu thereof a new section to be numbered Section 2 and to read as follows:

"Section 2. There shall be a referendum upon this act, and the Secretary of State is hereby required and it is made his duty to submit this measure, in accordance with Article V, Section 1, of the Constitution of the State of Montana, to the people of the State for their approval or rejection at the general election to be held in November, 1924. Separate ballots shall be used at such election which shall have printed thereon the title of this act, and below the same shall be printed the words:

For Repeal of the Presidential Primary Law.

Against Repeal of the Presidential Primary Law.

Each elector shall designate his preference by marking an X in the square before the proposition for which such elector desires to vote.

The votes cast for and against the law above proposed shall be counted, returned and canvassed, and the result shall be determined and declared in the manner provided by the general election laws of the State."

2. Add thereto a new section to be numbered Section 3 to read as follows:

"Section 3. This act shall be in full force and effect, if the same shall be approved at such election by a majority of those voting thereon, upon the issuance, and publishing of the Governor's proclamation, as provided by law."

And your committee do further recommend that as so amended said bill do pass.

RUFFCORN, Chairman."

On motion of Ruffcorn, report adopted.

"Mr. Speaker:

We, your Committee on Highways having had under consideration S. B. No. 57, by Leuthold, a Bill for an Act entitled: "An Act to amend Section 1652 of the Revised Codes of Montana of 1921, relating to special road districts, objects, powers and duties," respectfully report as follows:

That S. B. No. 57 be concurred in.

BERNARD, Chairman."

On motion of Bernard, report adopted.

## INTRODUCTION OF BILLS AND MEMORIALS

Committee on Appropriations requested, and was granted permission by unanimous consent, to introduce a general appropriation bill without previous notice.

Arnold requested, and was granted by unanimous consent, permission to introduce two bills without previous notice.

The following Senate bills were introduced, read first and second times by title and history only, and referred to committees as follows:

S. B. No. 48, by Garber: "A Bill for an Act entitled: 'An Act amending Section 4736, Revised Codes of Montana, 1921, relating to certain duties of county officials.'" (Committee on Townships and Counties.)

S. B. No. 68, by Adams: "A Bill for an Act entitled: 'An Act authorizing board of commissioners of irrigation districts to cancel assessments made for the benefit of the United States, and to amend Section 7236 of the Revised Codes of 1921.'" (Committee on Irrigation and Water Rights.)

The following House bills were introduced, read first and second times by title only, and referred to committees as follows:

H. B. No. 219, by Committee on Public Morals, Charities and Reforms: "A Bill for an Act entitled: 'An Act to provide for the regulation and licensing of dance halls, the regulation of dancing and the penalties for the violation of the provisions thereof.'" (Committee on Public Morals, Charities and Reforms.)

H. B. No. 220, by Caplis: "A Bill for an Act entitled: 'An Act to amend Section 3797 of the Revised Codes of Montana of 1921, relating to the general powers of the board of railroad commissioners, and prescribing zones of delivery by express companies in cities.'" (Committee on State Boards and Officers.)

H. B. No. 221, by Tierney: "A Bill for an Act entitled: 'An Act amending Section 2001 Revised Codes of Montana, 1921, relating to assessment of property.'" (Committee on Revenue and Taxation.)

H. B. No. 223, by Arnold: "A Bill for an Act entitled: 'An Act to amend Sections 9334 and to repeal Sections 9336 and 9347, Revised Codes of Montana of 1921, all relating to the manner of drawing juries and the exercising of challenges for cause and peremptory challenges.'" (Committee on Judiciary.)

H. B. No. 224, by Arnold by request: "A Bill for an Act entitled: 'An Act establishing a State Highway Commission; prescribing the powers and duties thereof, and authorizing the construction, maintenance, repair and marking of public roads and bridges; creating a state highway fund; imposing certain duties upon county and local road officials and assenting to the Federal Aid act of congress, approved July 11, 1916, and all other acts granting aid for public highways: and authorizing the State Highway Commission to co-operate with the United States government in the construction of roads and bridges; and repealing Chapter 139 of the Revised Codes of Montana of 1921.'" (Committee on Highways.)

H. B. No. 225, by Committee on Horticulture: "A Bill for an Act entitled: 'An Act to amend Sections 4268, and 4270 of the Revised Codes of Montana of 1921, relating to the classification and quality of apples and defining grades and standards of apples.'" (Committee on Horticulture.)

The following House bill was introduced, read first and second times and referred to the Committee on Appropriations:

H. B. No. 222, by Committee on Appropriations: "A Bill for an Act entitled: 'An Act appropriating money for the operation and maintenance of certain of the state institutions of the State of Montana for the period beginning July 1st, 1923, to June 30th, 1925.'" (Committee on Appropriations.)

#### MOTIONS AND RESOLUTIONS.

Moved by Bricker, duly seconded and carried, that House Bill No. 67 be taken from third reading and placed at the head of the list on General Orders.

On motion of Bernard, duly seconded and carried, that the House communicate with the legislatures now in session in the 13 public land states, requesting that said legislatures endorse House Joint Memorial No. 4, and recommend it to the congress of the United States.

#### CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE.

The following communication from the Senate was read:

"Helena, Montana, February 5 1923

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that upon motion of Senator Paul, duly seconded, the amendments to Senate Bill No. 11 were not concurred in, and a conference committee of three was appointed to



confer with a like committee from the House for the consideration of House amendments to said bill. The following committee was appointed: Senators Harmon, Porter and Conser.

Very respectfully,

J. F. CONE, Secretary of the Senate."

Moved by Gullidge, duly seconded and carried that the Speaker appoint a like committee from the House to act with the committee from the Senate on Senate Bill No. 11.

Mr. Speaker appointed, Gullidge, Rodgers and Brandjord.

### THIRD READING OF SENATE BILLS.

Moved by Gullidge, duly seconded and carried by at least two-thirds majority, that, in line with notice given yesterday, all Senate and House bills on third reading be read by history and title only.

S. B. No. 31, by Pomeroy, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrew, Andrus, Bernard, Berryman, Bohling, Boorman, Brandjord, Bray, Bricker, Buchanan, Buell, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Davis (Wibaux), Denny, Elliott, English, Facey, Flynn, Gullidge, Hamilton, Harris Hawley, Joffray, Johnson, Kelly (Silver Bow), Kenyon, Kinville, Larson (Richland), Lease, Leavens, Lemmon, Loble, McCarty, McLeod, Maury, Murphy, Myrick, Nelson, Oker, Ostby, Peden, Perrine, Pope, Rasmussen, Ridle, Roscow, Ruffcorn, Sandy, Seidensticker, Smethurst, Smith, Spencer Stoddard, Taylor, Tawney, Tierney, Troy, Wold, Mr. Speaker. Total, 64.

Noes: Armstrong, Benedict, Bosley, Burke, Buttelman, Davis (Fergus), Dean, Dell, Duffy, Fulsher, Hoffman, Kelly (Pondera), Kennedy, Larsen (Sheridan), McAfee, McCormack, Mushbach, O'Connell, Pilgeram, Rodgers, Scharnikow, Stoner, Terrett. Total, 23.

Absent and not voting: Arnold, Baker, Bergstrom, Cowley, Cronk, Gillette, Gillin, Goodman, Hanson, Holton, Strange, Swift, Zuck. Total, 13.

S. B. No. 20, by Committee on Insurance, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrew, Andrus, Armstrong, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Brandjord, Bricker, Buchanan, Buell, Arnold, Bosley, Bray, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gullidge, Hamilton, Harris, Hawley, Hoffman, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Taylor, Tawney, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—88.

Noes: Burke. Total—1.

Absent and not voting: Baker, Cowley, Cronk, Gillette, Goodman, Hanson, Holton, Strange, Swift, Terrett, Gillin. Total—11.

S. B. No. 32, by Henderson, having been read three several times, and title and history agreed to, was concurred in by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Benedict, Bergstrom, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Buell, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gullidge, Hamilton, Harris, Hawley, Hoffman, Joffray, Johnson, Kelly (Pondera), Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharni-

kow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total, 85.

Noes: Kennedy. Total—1.

Absent and not voting: Cavanaugh, Baker, Bernard, Cowley, Gillette, Gillin, Goodman, Hanson, Holton, Kelly (Silver Bow), Loble, Pilgeram, Strange, Swift. Total—14.

### THIRD READING OF HOUSE BILLS

H. B. No. 92, by Pope, etc. having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Benedict, Bergstrom, Berryman, Bohling, Boorman, Brandjord, Bray, Buchanan, Buell, Burke, Buttleman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gullidge, Hamilton, Harris, Hawley, Hoffman, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smith, Stoddard, Stoner, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—84.

Noes: None.

Absent and not voting: Baker, Bernard, Bosley, Bricker, Cowley, Fulsher, Gillin, Goodman, Hanson, Holton, Ostby, Rodgers, Smethurst, Spencer, Strange, Swift. Total—16.

H. B. No. 106, by Committee on Public Morals, Charities and Reforms, having been read three several times, title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Benedict, Bergstrom, Berryman, Bohling, Boorman, Brandjord, Bray, Bricker, Buchanan, Buell, Burke, Buttleman, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Elliott, Facey, Flynn, Gullidge, Hamilton, Harris, Hawley, Hoffman, Joffray, Johnson, Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smith, Spencer, Stoner, Strange, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—79.

Noes: Duffy, Fulsher, Kelly (Pondera), McLeod, Maury, Smethurst, Stoddard. Total—7.

Absent and not voting: Arnold, Baker, Bernard, Bosley, Cady, Caplis, Cowley, English, Gillette, Gillin, Goodman, Hanson, Holton, Swift. Total—14.

H. B. No. 118, by Carlson of Gallatin, having been read three several times, title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Benedict, Bergstrom, Berryman, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Buell, Burke, Buttleman, Cady, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gullidge, Hamilton, Harris, Hawley, Hoffman, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Mr. Speaker. Total—87.

Noes: None.

Absent and not voting: Baker, Bernard, Bohling, Caplis, Cowley, Cronk, Gillette, Gillin, Goodman, Hanson, Holton, Swift, Zuck. Total—13.

Moved by Gullidge, duly seconded and carried that House recess until 2:00 P. M.

## AFTERNOON SESSION

House resumed at 2:00 P. M.

Mr. Speaker in the chair.

## THIRD READING OF HOUSE BILLS

H. B. No. 121, by Buttleman, etc. having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Benedict, Bergstrom, Berryman, Bohl-  
ing, Boorman, Bray, Bricker, Buchanan, Burke, Buttleman, Cady, Carlson  
(Gallatin), Carlson (McCone), Taylor, Cavanaugh, Clarke, Davis (Fergus),  
Davis (Wibaux), Dean, Tierney, Dell, Denny, Duffy, English, Flynn, Fulsher,  
Gullidge, Hamilton, Hawley, Hoffman, Joffray, Johnson, Kelly (Pondera), Ken-  
nedy, Kinville, Larson (Richland), Larsen (Sheridan), Lemmon, McCarty, Mc-  
Leod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby,  
Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy,  
Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Mr. Speaker.  
Total—67.

Noes: Harris, McAfee. Total—2.

Absent and not voting: Arnold, Baker, Bernard, Bosley, Brandjord, Buell,  
Caplis, Cowley, Cronk, Elliott, Facey, Gillette, Gillin, Goodman, Hanson, Hol-  
ton, Kelly (Silver Bow), Kenyon, Lease, Leavens, Loble, McCormack, Peden,  
Stoner, Strange, Swift, Tawney, Terrett, Troy, Wold, Zuck. Total—31.

H. B. No. 122, by Flynn, having been read three several times and title  
and history agreed to, was passed by the following vote:

Ayes: Andrus, Armstrong, Arnold, Benedict, Bergstrom, Berryman, Bohl-  
ing, Boorman, Bray, Bricker, Buchanan, Burke, Buttleman, Cady, Carlson (Gal-  
latin), Carlson (McCone), Cavanaugh, Clarke, Davis (Fergus), Davis (Wibaux),  
Dean, Dell, Denny, Duffy, Elliott, English, Flynn, Fulsher, Gullidge, Hamilton,  
Harris, Hawley, Hoffman, Joffray, Johnson, Kelly (Pondera), Kelly (Silver  
Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lem-  
mon, Loble, McAfee, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, Oker,  
Ostby, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn,  
Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Tawney,  
Tierney, Troy, Zuck, Mr. Speaker. Total—73.

Noes: None.

Absent and not voting: Andrew, Baker, Bernard, Bosley, Brandjord, Buell,  
Caplis, Cowley, Cronk, Facey, Gillette, Gillin, Goodman, Hanson, Holton, Lease,  
Leavens, McCarty, McCormack, O'Connell, Peden, Stoner, Strange, Swift, Taylor,  
Terrett, Wold. Total—27.

## CONSIDERATION OF GENERAL ORDERS

Moved by Kenyon, and duly seconded that the action of the House in adopt-  
ing the report of the Committee on Judiciary on House Bill No. 188 be recon-  
sidered. The Speaker ruled that this motion was properly made and its con-  
sideration would be in order at the time the House is on the proper order of  
business.

Moved by Loble, duly seconded and carried that Senate Bill No. 4 be taken  
from General Orders and referred to the Committee on State Boards and Offi-  
cers.

Moved by Gullidge, duly seconded and carried that action on House Bill No.  
141, now on General Orders, be deferred until the return of Goodman.

Moved by Gullidge, duly seconded and carried that the House resolve itself  
into a committee of the Whole, all bills on general orders to be read by title,  
history and section number only, and be open to amendment except that when  
any member shall request any bill or section of bill to be read at length, it shall  
be so read.

Myrick in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:



"Mr. Speaker:

We, your Committee of the Whole, having had under consideration bills on General Orders, respectfully report back with the recommendation that:

H. B. No. 67: be amended as follows:

Section 1 by striking out amendment by Committee of the Whole and inserting in lieu thereof Section 1 as in the printed bill.

And when so amended, do pass.

Sub. H. B. No. 28: be amended as follows:

Section 1 by striking out in line 4 and 5 the following words "one high school supervisor, who shall receive an annual salary of Twenty-five Hundred Dollars,"

And when so amended, do pass.

H. B. No. 124: be amended as follows:

Section 1 by adding after the word "power" in line 1 the words "by ordinance."

And when so amended, do pass.

H. B. No. 149: do pass.

H. B. No. 151: do pass.

H. B. No. 150: do pass.

H. B. No. 148: do pass.

H. B. No. 100: be amended as follows:

By rejecting all amendments to the engrossed bill except those made by the report of the Judiciary Committee on January 31, and that the amendments of the Judiciary Committee be adopted.

And when so amended, do pass.

MYRICK, Chairman."

Moved by Myrick, and duly seconded that the report be adopted.

Moved by Gullidge, as a substitute, and duly seconded that House Bill No. 28 be segregated from the report.

A roll call having been requested by Gullidge, duly seconded, the substitute motion failed, the vote being as follows:

Ayes: Bohling, Brandjord, Bray, Elliott, Facey, Gullidge, Hanson, Hawley, Holton, Johnson, Kenyon, Lease, Myrick, Sandy, Troy, Mr. Speaker. Total—16.

Noes: Andrew, Andrus, Armstrong, Arnold, Benedict, Bergstrom, Berryman, Bosley, Bricker, Buchanan, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, English, Flynn, Fulsher, Hamilton, Harris, Joffray, Kelly (Silver Bow), Kennedy, Kinville, Larson (Richland), Larsen (Sheridan), Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Rasmussen, Ridle, Rodgers, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoner, Strange, Tawney, Terrett, Tierney, Wold. Total—66.

Absent and not voting: Baker, Bernard, Boorman, Buell, Cowley, Gillette, Gillin, Goodman, Hoffman, Kelly (Pondera), Pilgeram, Pope, Roscow, Ruffcorn, Stoddard, Swift, Taylor, Zuck. Total—18.

The original motion to adopt was then put. Carried.

The Committee on Printing reported as follows:

"Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bills Nos. Sub. 36, 126, Sub. 110, 70, 142, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman."

Moved by Gullidge, duly seconded and carried that consideration of House Bill No. 40 be made a special order of business for tomorrow at 2:00 P. M.

Moved by Kinville, duly seconded and carried that the House adjourn until Wednesday, February 7, at 10:30 A. M.

CALVIN CRUMBAKER, Speaker.

Attest: J. A. SHOEMAKER, Chief Clerk.

## THIRTY-EIGHTH DAY

House of Representatives,  
February 7, 1923.

House convened pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Upon roll call all members were present except: Cowley, Gillette, Goodman, and Peden, excused.

Committee on Journal reported as follows:

"Mr. Speaker:

We, your Committee on Journal, have this day examined the Journal for the 27th Legislative day and found the same correct.

BUCHANAN, Chairman."

Report adopted.

The Committee on Printing reported as follows:

"Mr. Speaker:

We, your Committee on Printing to whom was referred House Bills Nos. 120 and 147, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman."

## COMMUNICATIONS AND PETITIONS.

## COMMUNICATIONS FROM THE SENATE.

"Helena, Montana, February 6, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following motion by Senator Paul, was seconded and carried:—

Mr. President:

I move that a new standing committee be added to those provided for in Rule 15 to be known as "Committee on Economy Legislation," and that said committee be named by the Committee on Committees and that their duty shall be to report on all bills either introduced or recommended by any special committee, appointed for the purpose of examining state administration departments or institutions or boards or commissions and that said committee endeavor to speed such bills for the consideration of the Senate as much as possible and that said committee prepare a general salary bill covering all offices, deputies and assistants and submit the same to the Senate for consideration."

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 6, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee on Committees report as follows:

Mr. President:

"We your committee on committees beg leave to report the following senators as the committee on "Economy Legislation"—Hazelbaker, Harmon, and Muffly.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 6, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Senate Bills were on motion withdrawn from the committees to which they were originally referred and re-referred to the Committee on Economy Legislation.

Senate Bills 47, 50, 51, 61, 76 and also Senate Bills 116, 118, which were held pending the appointment of the new committee.

Very respectfully,

J. F. CONE, Secretary of the Senate."

Moved by Boorman, duly seconded and carried that the following Senate communications be considered read at length:

"Helena, Montana, February 6, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Joint Resolution No. 1, introduced by Ridle was this day read first and second time, and referred to Committee on Judiciary. Also House Joint Memorial No. 5, introduced by Smethurst, was this day read first and second time and referred to committee on Federal Relations.

Very Respectfully,

J. F. CONE, Secretary of the Senate."

"February 6, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following notices of bills were this day presented:

By Hazelbaker: "An Act to amend Section 1202 of the Revised Codes of Montana of 1921, relating to the common school funds of counties and the apportionment thereof."

By Speer: "An Act authorizing the Federal Government to file notices of tax liens in the office of any County Clerk or Recorder in the State of Montana."

J. F. CONE, Secretary of the Senate."

"February 6, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Senate bills were this day introduced, read first and second times, and referred to committee as follows:

Senate Bill No. 127, introduced by Garber: "An Act for regulating and prohibiting the use and bearing firearms within the State of Montana, declaring the violation of this Act a misdemeanor, prescribing penalties therefor, and fixing jurisdiction of offenses for violation of this Act." Referred to Committee on Judiciary.

Senate Bill No. 128, introduced by Porter, by request: A Bill for an Act entitled: "An Act to amend Section 3979 of the Revised Codes of Montana, 1921, relating to delinquent tax payers." Referred to Committee on Taxation.

Senate Bill No. 129, introduced by Paul, Dowlin and Clark: A Bill for an Act entitled: "An Act to amend Sections 2299, 2300, 2302, and 2303, of the Revised Codes of Montana of 1921, relating to the method of collecting Corporation License Tax." Referred to Committee on Economy Legislation.

Very Respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 6, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Senate Bills were this day introduced, read first and second times, and referred to committees as follows:

Senate Bill No. 130: introduced by Church: "An Act to protect mortgagees and lienees of real property from the imposition of irrigation or drainage district liens by act of mortgagors or lienors, or otherwise, without notice to said mortgagees and lienees, and providing for notice to said mortgagees and lienees and prohibiting District Courts from creating such districts and confirming bond issues therefor without due service and proof of service of such notice and making it lawful to covenant for such notice and to provide for foreclosure for impairment of mortgages and liens, in mortgage and lien contracts." Referred to Committee on Judiciary.

Senate Bill No. 131, introduced by Church: "An Act to amend Sections 2152, 2194 and 2197 of the Revised Codes of Montana of 1921 relating to tax liens." Referred to Committee on Judiciary.

Very Respectfully,

J. F. CONE, Secretary of the Senate."



"Helena, Montana, February 6, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee on the Whole to whom was referred business on General File, having had the same under consideration, beg leave to recommend as follows:

H. B. No. 14, introduced by Brandjord; Recommend that same be concurred in.

H. B. No. 18, introduced by Scharnikow, Recommend that same be concurred in.

H. B. No. 57, introduced by Cowley, Recommend that same be concurred in.

H. B. No. 64, introduced by Goodman, Recommend that same be amended in Section 3, by inserting in line 1, after the word "Passage," the words, "and approval."

H. B. No. 53, introduced by Brandjord, recommend that same be concurred in.

Very Respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 6, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Senate Bills were this day read third time and passed title agreed to and are herewith transmitted to the House for concurrence.

Senate Bill No. 79, introduced by Porter: "An Emergency Act authorizing the board of school trustees of any school district, having all or any part of its funds deposited in any bank, which has become insolvent, to issue warrants for the necessary current expenses of the school to the amount of not to exceed one hundred per centum of such funds so deposited; to fund such warrants by the issuance of bonds under certain conditions described herein; provided for the payment of the principal and interest of such bonds and for the levying of a tax therefor; and declaring this Act to be an Emergency Measure."

Senate Bill No. 85, introduced by Porter: "An Emergency Act authorizing the Board of Trustees of any County High School having all or any part of its funds deposited in any bank, which has become insolvent to issue warrants for the necessary current expenses for the said County High School to the amount of not to exceed 100 per centum of such funds so deposited; authorizing the Board of County Commissioners to refund such warrants by the issuance of bonds under certain conditions described therein; providing for the payment of the principal and interest of such bonds and for the levying of the tax therefore; and declaring this Act to be an Emergency Measure."

Very Respectfully,

J. F. CONE, Secretary of the Senate."

## COMMUNICATIONS FROM THE GOVERNOR

"Helena, Montana, February 6, 1923.

The Speaker,

House of Representatives,  
Washington, D. C.

I have the honor to advise you that I have this day approved the following House Bills:

No. 9—Relating to authorizing and empowering boards of trustees of school districts to establish endowment funds.

No. 10—Making public officers personally liable for failure to provide or maintain sinking funds for public bonds.

No. 11—Relating to the investment of the permanent common school fund and of the other permanent institution funds of the State.

JOS. M. DIXON, Governor."

## NOTICES.

Authors gave notice that they will on tomorrow or some subsequent date introduce bills as follows:

By Davis of Wibaux: "A Bill for an Act entitled: 'An Act providing for the appointment of a Farm Loan Commissioner, prescribing his duties, term of office and salary and repealing Section 1819 of the Revised Codes of Montana of 1921, relating to Deputy Register of State Lands.'"

By Arnold: "A Bill for an Act entitled: 'An Act appropriating money for the administrative expenses of the Montana State Highway Commission for the two years beginning July 1, 1923, and ending June 30, 1925.'"

By Arnold: "A Bill for An Act entitled: 'An Act appropriating money for the maintenance of the Montana State Highway System of Roads in conjunction with the various counties of the State of Montana by and through their boards of county commissioners for the two year beginning July 1st, 1923 and ending June 30, 1925, under rules and regulations of Montana State Highway Commission.'"

By Smethurst: "A Bill for An Act entitled: 'An Act to amend Section 3071 of the Revised Codes of Montana of 1921 by defining the period of employment of working men or employees of eight hours per day as used herein.'"

By Pilgeram: "A Bill for an Act entitled: 'An Act providing for ventilation of quartz mines, and providing penalties for the violation thereof.'"

By Pilgeram: "A Bill for an Act entitled: 'An Act to amend Section 587 and 588 of the Revised Codes of Montana of 1921 relating to judges of election, how appointed and number of judges to be appointed.'"

By Committee on Affairs of Cities: "A Bill for An Act entitled: 'An Act conferring upon the councils of cities and towns owning municipal water works and water systems power to create boards of water commissioners to have supervision and control over such municipal water works and water systems, and conferring upon such councils power to define the duties of such boards.'"

By Loble: "A Bill for An Act entitled: 'An Act to provide for dividing counties into county commissioner districts, providing for one county commission from each district, providing for the changing and equalizing of county commissioner districts; and amending Section 4452 and 4453 of the Revised Codes of Montana, 1921.'"

By Joffray: "A Bill for An Act entitled: 'An Act to amend Section 11273 of the Revised Codes of Montana, 1921, providing for escapment shafts and openings in quartz mines.'"

By Carlson of McCone: "A Bill for An Act entitled: 'An Act to amend Section 3761 of the Revised Codes of Montana, 1921, concerning the Snow Creek Game Preserve.'"

By Smith: "A Bill for an Act entitled: 'An Act providing for the incarceration of prisoners committed under process or order issued under the authority of the United States in county jails, making it the duty of the sheriff to receive such prisoners, making provision for the support of such prisoners, and repealing Section 12,472 of the Revised Codes of Montana of 1921, and all Acts and parts of Acts in conflict herewith.'"

By Hanson, McCormack, Ruffcorn, Strange: "A Bill for An Act entitled: 'An Act to amend Sections 2089 and 2090 relating to the taxation of net proceeds of mines and the manner of computing such proceeds.'"

By Tawney: "A Bill for An Act entitled: 'An Act to provide for a license tax upon owners and operators, or operators of electric power plants and transmission lines.'"

By Pope: "A Bill for An Act entitled: 'An Act to amend Section 1275 of Revised Codes of Montana of 1921, relating to county high schools.'"

By Scharnikow: "A Bill for An Act entitled: 'An Act amending Section 6453 and 6455 of the Revised Codes of Montana of 1921, Relating to the incorporation of religious, social, fraternal, benevolent and charitable corporations.'"

By Stoner: "A Bill for an Act entitled: 'An Act prohibiting the offering of a consideration or benefit to a member of any co-operative marketing association intended to influence or induce or attempt to influence or induce such member to commit a breach of his contract or agreement with such co-operative marketing association and providing a penalty for the violation of this act.'"

#### REPORTS OF SELECT COMMITTEES.

The following report of the Select Committee was received:

"Mr. Speaker:

We, your select committee having had under consideration, H. B. No. 52, entitled, "An Act to establish a game preserve in portions of Powell and Flathead Counties, for the protection of game animals and birds, to be known as 'The Spotted Bear Game Preserve,' and providing penalties for the killing, hunting, trapping and pursuing game animals or birds in such preserve, or carrying of fire arms therein," respectfully report as follows:

That H. B. No. 52 be amended by striking out of the title, the words, "or the carrying of fire arms therein;" also amend Section 2, by striking out of line 3, of the printed bill, the words, "carry or," and by striking out of line 7, of the printed bill, the words, "or for carrying fire arms."

And when so amended, recommend the bill do pass.

BERNARD, Chairman.

On motion of Bernard, report adopted.

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received:

"Mr. Speaker:

We, your committee on Revenue and Taxation having had under consideration, H. B. No. 81, by Strange, A Bill for An Act entitled: "An Act to amend Section 2346, 2347, 2348, 2350, 2351 and 2352 of Chapter 183, of the Political Code of Montana of 1921, and to impose a license tax based upon the gross value of merchantable ore treated or sold by or from metalliferous mines in lieu of the license on net proceeds as heretofore provided in said Chapter," respectfully report as follows:

That H. B. No. 81 be amended by striking out all of Section 2 and inserting in lieu thereof the following:

Section 2. Section 2347. The gross value of the ore and tailings derived from such business shall be reported to the State Board of Equalization, and shall be as far as practicable ascertained by one of the following methods.

(a) By the value of the metallic contents as determined by the smelters settlement value, before any deductions whatever have been made, except transportation charges to smelter.

(b) Where ore is subjected to any process of reduction, other than the smelter process, the tax shall be based upon the gross bullion return for values extracted before any deductions whatever have been made, except transportation charges to smelter.

And that as so amended the bill do pass.

SWIFT, Chairman."

Moved by Swift, and duly seconded that report be adopted.

Moved by Lemmon, as a substitute, duly seconded that further consideration of H. B. No. 81 be indefinitely postponed.

A roll call being asked by Lemmon, duly seconded, the motion failed, the vote being as follows:

Ayes: Andrew, Armstrong, Burke, Denny, English, Fulsher, Gillin, Hamilton, Kennedy, Kinville, Lemmon, McLeod, Maury, Murphy, Mushbach, Nelson, O'Connell, Ridle, Roscow, Scharnikow, Spencer, Stoddard. Total—22.

Noes: Andrus, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Buell, Buttleman, Cady, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Dean, Dell, Duffy, Elliott, Flynn, Gullidge, Hanson, Harris, Hawley,



Hoffman, Joffray, Johnson, Kenyon, Larson (Richland), Larsen (Sheridan), Lease, Leavens, McAfee, McCarty, McCormack, Myrick, Oker, Ostby, Perrine, Pilgeram, Pope, Rasmussen, Ruffcorn, Sandy, Seidensticker, Smethurst, Smith, Stoner, Strange, Swift, Taylor, Tawney, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—65.

Absent and not voting: Caplis, Cowley, Davis (Wibaux), Facey, Gillette, Goodman, Holton, Kelly (Pondera), Kelly (Silver Bow), Loble, Peden, Rodgers, Terrett. Total—13.

The question then arising on the original motion to adopt, same carried.

“Mr. Speaker:

We, your committee on Education having had under consideration H. B. No. 197, by Flynn, Andrus, Sandy, Holton, Larsen of Sheridan, Zuck, Davis of Wibaux, Bergstrom, Clarke and Bohling: A Bill for An Act entitled: “An Act establishing the Eastern Montana State Normal College, defining the objects of its establishment, providing for the control, supervision and management thereof, and making the same a part of the University of Montana and making an appropriation for renting, acquiring and equipping the necessary building therefor, and for the support, equipment and maintenance of said college.” respectfully report as follows:

That H. B. No. 197 be recommended favorably for passage and further recommend that it be referred to committee on appropriations for further consideration.

GULLIDGE, Chairman.”

On motion of Gullidge, report adopted.

“Mr. Speaker:

We, your committee on Irrigation and Water Rights having had under consideration, H. B. No. 176, by Perrine and Buttleman, A Bill for An Act entitled: “An Act to amend Sections 7210, 7211, Revised Codes, Montana, 1921, relating to the petition for bonds of irrigation districts and action thereon and to the confirmation by the district court of bond proceedings or irrigation districts, by providing that the proceedings of enumerated in such Sections shall not be had or accomplished until compliance is first had with Sections 7216, 7218, Revised Codes, Montana, 1921, as amended herein and with all the Sections of this act; and to amend Sections 7216 and 7218, Revised Codes, Montana, 1921, by providing for the submission to the irrigation district bond commission of all proceedings for issuance of bonds of irrigation districts now or hereafter created, under and by virtue of Chapter 146, Laws 1909, and acts amendatory thereof and supplemental thereto as embraced in Sections 7166 to 7264, Revised Codes, Montana, 1921,” respectfully report as follows:

That H. B. No. 176 be amended by adding at the end of Line 12, Page 7 the word “for.”

And the bill so amended do pass.

PERRINE, Chairman.”

On motion of Perrine, report adopted.

“Mr. Speaker:

We, your Committee on Fish and Game, having had under consideration H. B. No. 161, by Committee on Fish and Game, A Bill for An Act entitled: “An Act making it unlawful for any person, company, association or corporation using cyanide of potassium, or any other drug, compound or substance poisonous or injurious to human beings, fish or live stock, from emptying or permitting the same to be carried to the waters of any stream, river or lake within the State, and requiring the impounding, damming up and confining such cyanide and other poisonous material in such manner to prevent the same from reaching the waters of any stream, river or lake or other waters containing fish or which may be used for domestic or agricultural purposes, and requiring that such poisonous or injurious material be fenced off from access by live stock; and preserving penalties for the violation of any provision of such act.” respectfully report as follows:

That H. B. No. 161 be referred back to the House with the recommendation that it do not pass.

CADY, Chairman.”

On motion of Cady, report adopted.

"Mr. Speaker:

We, your committee on Banks and Banking, having had under consideration, H. B. No. 178, by Myrick, Pilgeram, and Bricker: A Bill for an Act entitled: "An Act providing for the foreclosure of mortgages containing a power of sale by advertisement, outlining procedure and providing for purchase at such foreclosure sale by the mortgagor or his representative," respectfully report as follows:

That H. B. No. 178 be referred back to the House with the recommendation that it be re-referred to the Judiciary Committee.

JOHNSON, Chairman."

On motion of Johnson, report adopted.

"Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration, H. B. No. 140, A Bill for an Act entitled: "An Act providing for the registration of all marriages and divorces occurring within the State of Montana with the State Registrar of Vital Statistics, fixing fees for the issuance of marriage license and certificates and decrees of divorce, providing for the necessary forms and blanks; the promulgation of rules and regulations hereunder making violation of this act a misdemeanor and providing a penalty therefor and repealing Sections 5713, 5716 and 5718 and 5720 of the Revised Codes of 1921, of the State of Montana," respectfully report as follows:

That H. B. No. 140 recommend that bill do pass.

ARNOLD, Chairman."

On motion of Arnold, report adopted.

"Mr. Speaker:

We, your committee on Ways and Means, having had under consideration, H. B. No. 215, a Bill for An Act entitled: "An Act to amend Section 2819 of the Revised Codes of Montana of 1921, fixing and prescribing terms of office and salary of chairman of Industrial Accident Board," respectfully report as follows:

That H. B. No. 215 recommend that bill do pass.

ARNOLD, Chairman."

On motion of Arnold, report adopted.

"Mr. Speaker:

We, your committee on Judiciary, having had under consideration, H. B. No. 72, entitled, "An Act to amend Section 4919 of the Revised Codes of Montana of 1921, relating to fees of clerks in probate proceedings," respectfully report as follows:

That H. B. No. 72 do not pass.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration, H. B. No. 85, entitled: "An Act regulating number of hours which shall constitute a hotel day: to make uniform rates; compelling the proprietor, or manager, or landlord to put and post in a conspicuous place on the inside of each room a written or printed notice of the price charged for said room per day," respectfully report as follows:

That H. B. No. 85 do not pass.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Appropriations having had under consideration, H. B. No. 157, by Kenyon, "An Act to appropriate money out of the State Highway Fund for the payment of claims for labor and service and for material and supplies furnished in the construction of State Highways designated as Federal Aid Projects Numbers 66 and 101," respectfully report as follows:

That H. B. No. 157, do pass.

BUELL, Chairman."

On motion of Buell, report adopted.

The following Majority and Minority reports of the Committee on Labor were received:

"Mr. Speaker:

We, your Majority Committee on Appropriations having had under consideration, Sub. for H. B. Nos. 102 and 136, by Committee on Labor: "An Act to protect the lives, health, and morals of women and minor workers, and to establish maximum hours, and minimum wages therefore; authorizing and empowering the Industrial Accident Board to fix such maximum house and minimum wages and standard conditions of labor for such workers; providing for the appointment of a field secretary of the Industrial Accident Board, fixing the salary and duties; providing penalties for the violation of this act; making an appropriation therefor; and repealing all Acts and parts of Acts in conflict therewith," respectfully report as follows:

That Sub. for H. B. Nos. 102 and 136 do not pass.

BUELL, Chairman,  
JOHNSON,  
CRONK,  
CARLSON,  
WOLD,  
KELLY,  
HOFFMAN,  
BRICKER,  
LEASE."

"Mr. Speaker:

We, your Minority Committee on Appropriations having had under consideration, Sub for H. B. Nos. 102 and 136, by the Committee on Labor: "An Act to protect the lives, health, and morals of women and minor workers, and to establish maximum hours, and minimum wage therefor authorizing and empowering the Industrial Accident Board to fix such maximum house and minimum wages and standard conditions of labor for such workers; providing for the appointment of a field secretary of the Industrial Accident Board, fixing the salary and duties; providing penalties for the violation of this Act; making an appropriation therefor; and repealing all Acts and parts of Acts in conflict therewith," respectfully report as follows:

That Sub. for H. B. No. 102 and 136 do pass.

DUFFY,  
ELLIOTT."

Moved by Buell, duly seconded and carried that Majority report be adopted.

"Mr. Speaker:

We, your Committee on Appropriations having had under consideration H. B. No. 222, by Committee on Appropriations, "An Act appropriating money for the operation and maintenance of certain of the state institutions of the State of Montana for the period beginning July 1st, 1923 to June 30th, 1925," respectfully report as follows:

That H. B. No. 222 do pass.

BUELL, Chairman."

On motion of Buell, report adopted.

"Mr. Speaker:

We, your Committee on Labor, having had under consideration, H. B. No. 206, by Bosley, being a Bill for an Act entitled: "An Act to amend Section 4157, Section 4158, Section 4161, Section 4163, Section 4169, of Chapter 269, Revised Codes of Montana, 1921, regulating and licensing employment agencies and adding a new section to said Chapter, numbered Section 4172 A," respectfully report as follows:

That said H. B. No. 206 do pass.

STONER, Chairman."

On motion of Stoner, report adopted.

"Mr. Speaker:

We, your Committee on Highways, having had under consideration H. B. No. 208, by Cady, being a Bill for an Act entitled: "An Act to regulate advertisements in any public highway or on private premises without the consent of



owner of said property and to provide for a license tax on bill boards and signs to be used for highway improvement," respectfully report as follows:

That H. B. No. 208 do pass.

BERNARD, Chairman."

On motion of Bernard, report adopted.

"Mr. Speaker:

We, your Committee on Irrigation and Water Rights, having had under consideration, H. B. No. 204, by Mushbach, a bill for an Act entitled: "An Act to amend Section 7136 of the Revised Codes of Montana of 1921, in relation to the appointment of water commissioners," respectfully report as follows:

That H. B. No. 204 do not pass.

PERRINE, Vice Chairman."

On motion of Perrine, report adopted.

"Mr. Speaker:

We, your Committee on Irrigation and Water Rights, having had under consideration, S. B. No. 68, by Adams: A Bill for an Act entitled: "An Act authorizing Board of Commissioners of Irrigation Districts to cancel assessments made for the benefit of the United States, and to amend Section 7236 of the Revised Codes of 1921," respectfully report as follows:

That S. B. No. 68 be concurred in.

PERRINE, Vice Chairman."

On motion of Perrine, report adopted.

## INTRODUCTION OF BILLS AND MEMORIALS

The following Senate Bills were introduced, read first and second times, by title and history only, and referred to committees as follows:

S. B. No. 79, by Porter: "A Bill for an Act entitled: 'An Emergency Act authorizing the Board of School Trustees of any school district having all or any part of its funds deposited in any bank, which has become insolvent, to issue warrants for the necessary current expenses of the school to the amount of not to exceed one hundred per centum of such funds so deposited; to fund such warrants by the issuance of bonds under certain conditions described herein; providing for the payment of the principal and interest of such bonds and for the levying of a tax therefor; and declaring this Act to be an Emergency Measure'." (Committee on Education).

S. B. No. 85, by Porter: "A Bill for an Act entitled: 'An Emergency Act authorizing the Board of Trustees of any County High School having all or any part of its funds deposited in any bank, which has become insolvent, to issue warrants for the necessary current expenses of the said County High School to the amount of not to exceed one hundred (100) per centum of such funds so deposited; authorizing the Board of County Commissioners to refund such warrants by the issuance of Bonds under certain conditions described herein; providing for the payment of the principal and interest of such bonds and for the levying of the tax therefor; and declaring this Act to be an Emergency Measure'." (Committee on Education).

The following House Bills were introduced, read first and second times, by title only, and referred to committees as follows:

H. B. No. 226, by Burke: "A Bill for an Act entitled: "An Act to amend Section 9432 of the Revised Codes of Montana of 1921, relating to notice of sale, how sale given, copy of notice, by amending subdivision two thereof." (Committee on Judiciary).

H. B. No. 227, by Committee on Appropriations: "A Bill for an Act entitled: 'An Act to amend Section 1415 of the Revised Codes of Montana 1921 relating to appointment of, removal and salary of the Superintendent of the Insane Asylum and his assistant'." (Committee on Appropriations).

H. B. No. 228, by Committee on Appropriations: "A Bill for an Act entitled: 'An Act to amend Section 860 of the Revised Codes of Montana, 1921, relating to refunding fare to students'." (Committee on Appropriations).

H. B. No. 229, by Committee on Agriculture: "A Bill for an Act entitled: 'An Act to designate and provide for the destruction and eradication of Canada

thistles and quack grass, and the appointment by County Commissioners and City Councils of a Weed Commissioner defining his duties, fixing his compensation and providing penalties for the violations of the provisions of said Act, and to repeal Sections 4506, 4507, 4508, 4509, 4510, 4511, 4512, 4513, of the Revised Codes of Montana of 1921." (Committee on Agriculture).

H. B. No. 230, by Committee on Appropriations: "A Bill for an Act entitled: 'An Act to amend Section 293 of the Revised Codes of Montana of 1921, relating to supervision of public printing.'" (Committee on Appropriations).

H. B. No. 231, by Committee on Affairs of Cities: "A Bill for an Act entitled: 'An Act to amend Sections 5097, 5098, 5099, 5100, 5101 and 5106 of the Revised Codes of Montana of 1921, prescribing the qualifications of policemen in cities, their term of office, the method of their appointment, trials for misconduct or malfeasance in office their suspension or discharge, and to provide for the creation of a Police Commission to examine all applicants and to try and determine all charges filed against the policemen and prescribing the method of review and appeal of any sentences imposed, and defining who are on the eligible list for service.'" (Committee on Affairs of Cities).

H. B. No. 232, by Kinville: "A Bill for An Act entitled: 'An Act to amend Chapter 86 of the Session Laws of the fifteenth legislative assembly of the State of Montana; prohibiting gambling games, and providing for the playing of certain games for amusement and pastime, and the use in places of business of cigar stores upon the payment of a license to the State of Montana, and providing a penalty for the violation thereof.'" (Committee on Public Morals, Charities and Reforms.)

H. B. No. 233, by Carlson of Gallatin, Pope and Scharnikow: "A Bill for An Act entitled: 'An Act defining, describing and creating judicial districts within the State of Montana, and prescribing the number of judges for each district.'" (Committee on Judiciary.)

H. B. No. 234, by Bernard: "A Bill for An Act entitled: 'An Act repealing section 146 of the Revised Codes of Montana of 1921, relating to fees of secretary of state for filing and recording articles of incorporation and issuance of certificate of foreign and domestic religious societies, church organizations for religious purposes and fraternal societies not having capital stock and not organized for purposes of profit.'" (Committee on Judiciary.)

H. B. No. 235, by Smethurst: "A Bill for an act entitled: 'An Act to amend Sections 2865, 2866, 2867, 2870, 2876, 2877, 2889, 2891, 2892, 2893, 2894, 2896, 2897, 2898, 2899, 2900, 2905, 2906, 2907, 2911, 2912, 2913, 2914, 2915, 2916, 2917, 2918, 2919, and 2920, of the Revised Codes of Montana, 1921, relating to the workman's compensation law; and to repeal Sections 2909 and 2910 of the Revised Codes of Montana of 1921 relating to workman's compensation law.'" (Committee on Workmen's Compensation.)

H. B. No. 236, by Berryman: "A Bill for an act entitled 'An Act relating to the sale of real property for delinquent taxes, and to amend Sections 2188, 2217, 2218, 2219, 2220, 2221, 2231, 2232, and 2233, and to repeal Sections 2182, 2183, 2184, 2185, 2186, 2187, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2201, 2202, 2204, 2205, 2206, 2208, 2209, 2212, 2213, 2214, 2215, 2216, 2224, 2225, 2229, and 2230, of the Revised Codes of 1921.'" (Committee on Judiciary.)

H. B. No. 237, by Tawney: "A Bill for An Act entitled: 'An Act relating to irrigation districts, and amending and re-enacting Sections 7166, 7171, 7173, 7174, 7177, 7184, 7210, 7212, 7214, 7215, 7220, 7224, 7226, 7227, 7228, 7229, 7230, 7234 and 7235 of the Revised Codes of Montana of 1921, which relate to the establishment, organization and government of irrigation districts; providing who may organize such districts, and in what cases, and requirements therefor, and making regulations for the status, powers, duties, organization and place of meeting of the board of commissioners of such districts, vacancies in such boards, and the salary and compensation of such commissioners and penalty for interest in contracts, for the qualification and designation of electors and the manner of voting by agents, co-owners and purchasers of land under contract of sale; concerning the purposes for which bonds of such districts may be



issued, and the authorization, issuance, confirmation, details, record, negotiation, disposition, delivery and cancellation of such bonds and the disposition of proceeds of sale thereof; for the refunding, redemption and payment of bonds and warrants of such districts; and the authorization, issuance, confirmation, details, record, negotiation, disposition, delivery and cancellation of refunding bonds of such districts, and the lien of such refunding bonds and of taxes and assessments levied to pay the same; also providing rules for apportionment of costs and the charging thereof to the lands, with express provisions for pumping costs; making regulations for assessments and the levy, adjustment, collection and cancellation of, and limitations upon, taxes and assessments, and the apportionment of such taxes and assessments according to the irrigable area of such districts; for the expenses of the state irrigation district bond commission and the expenditures by such districts of funds derived from bonds certified by such commission; and enacting two new Sections to be designated as Sections 7235A and 7235B of said Revised Codes of Montana of 1921, also relating to such irrigation districts, providing for proceedings for the determination of the irrigable area of such districts and the apportionment of the costs of any works or improvements to the lands in such districts, and the confirmation of such proceedings by the district court, and providing for the extent of the liens of taxes and assessments levied upon the land in such districts and for the refund or cancellation of assessments upon excess acreage, and limiting and defining the rights and privileges of owners of tracts of land containing no irrigable area, and limiting the period within which the taxable acreage of any land in said districts may be fixed and adjudicated." (Committee on Irrigation and Water Rights.)

H. B. No. 238, by Judiciary Committee: "A Bill for An Act entitled: 'An Act amending Section 6206, of Chapter 18, of the Revised Codes of the State of Montana, 1921, increasing the requirements of surety companies for admission into this state and requiring such surety companies to have a paid up capital stock of not less than five hundred thousand dollars.'" (Committee on Judiciary.)

#### MOTIONS AND RESOLUTION.

Moved by Gullidge, duly seconded and carried that Consideration of House Bill No. 62 be made a special order of business for 2:00 P. M. tomorrow.

Moved by Gullidge, duly seconded and carried that House Bills on General Orders be given preference over all Senate Bills until the 50th day.

Kenyon called up his motion of yesterday, which was duly seconded that the House reconsider its action in adopting the report of the Judiciary Committee with reference to House Bill No. 188. Carried.

Moved by Kenyon, duly seconded and carried that the report of the Judiciary Committee be not adopted and that House Bill No. 188 be re-referred to that Committee.

Caplis presented the following resolution, which was read:

"House Resolution by Caplis, et al.

WHEREAS, it is well known that the rates charged by Telephone Companies advanced appreciably during the war on all classes of service and it is alleged out of proportion with any increased costs of operation. Which with the general belief of the public that Telephone rates and charges should be materially lowered and most especially on rental rates for telephone and

WHEREAS, the only opportunity that the public has to instigate such reduction is through the public utilities commission, and

WHEREAS, this is the most effective means through which the public may express to the Public Utilities Commission their opinion that present rates are unjust, now

THEREFORE BE IT RESOLVED that the House of Representatives of the Eighteenth Legislative Assembly of the State of Montana by petition on behalf of the people of the State of Montana, request the Public Utilities Commission to collaborate with the new Tax Commission of the State of Montana in their appraisement of the value of plant and equipment of tele-



phone companies within this State and after thorough investigation of all elements entering into the rendering of the telephone service to the public, being carefully considered, that they do prescribe such rates as will allow Telephone Companies proper earnings compatible with fair rates to the public.

CAPLIS  
KINVILLE  
JOFFRAY  
DELL  
SMETHURST  
TIERNEY  
PILGERAM  
TROY  
KELLY (Silver Bow)  
MUSHBACH  
DENNY  
CAVANAUGH  
CARLSON (of Gallatin)  
FLYNN  
RUFFCORN  
LARSEN (of Sheridan)."

Moved by Caplis, duly seconded and carried that report be adopted.

Moved by Oker, Scharnikow, Maury, McCarty, Hamilton, Denny and Kinville, duly seconded that any Standing Committee having held a Bill for more than seven (7) days, must report such Bill to the House, within twenty-four (24) hours, unless good cause is shown, and further time is granted by the House, according to Section 3, Rule 10, and any Bill not so reported, when additional time is not granted, shall be deemed as reported by the Committee without recommendation.

Mr. Speaker ruled that the exchange requested in the motion would constitute an amendment to the rules and therefore he would refer same to the Committee on Rules, Joint Rules, and Order of Business.

#### CONSIDERATION OF GENERAL ORDERS.

Moved by Gullidge, duly seconded and carried that the House resolve itself into a Committee of the Whole, that all bills be read by title, history and section number only, and be open to amendment, except that, at the time any bill is being considered, any member may request any bill or any part thereof to be read at length.

Denny in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole, having had under consideration bills on General Orders, respectfully report back with the recommendation that:

H. B. No. 155: Do pass.

H. B. No. 131: Do pass.

H. J. M. No. 6: Do pass.

H. B. No. 165: Be amended as follows:

Section 1 by striking out in line 1 the words "Thirty Thousand Dollars (\$30,000)" and inserting in lieu thereof the words "twenty five thousand Dollars (\$25,000)."

And when so amended, do pass.

H. B. No. 166, be referred to the special investigating committee on State Boards and Commissions.

DENNY, Chairman."

On motion of Denny report adopted.

Moved by Gullidge, duly seconded and carried that the House recess until 2:00 P. M.

## AFTERNOON SESSION.

House resumed at 2:00 P. M.  
Mr. Speaker in the chair.

## SPECIAL ORDER.

CONSIDERATION OF GENERAL ORDERS WITH RESPECT TO HOUSE  
BILL NO. 40.

Call of the House demanded by Boorman, duly seconded by fifteen members.  
Upon roll call all were present except thirteen members.

On motion of Boorman, duly seconded and carried, further proceedings under the Call of the House were dispensed with.

Moved by Gullidge, duly seconded and carried that the House resolve itself into a Committee of the Whole for the consideration of Special Order House Bill No. 40.

Wold in the chair.

Committee arose.

Mr. Speaker in the chair.

Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole, having had under consideration H. B. No. 40, respectfully report back with the recommendation that:

H. B. No. 40, be amended as follows:

Section 1 by striking out in line 19 of the printed bill the word "six" and inserting in lieu thereof the word "two".

Also Section one, sub-section 7 by striking out in line 62 the following words and figures "five thousand dollars (\$5,000)" and inserting in lieu thereof the words and figures "fifteen thousand dollars (\$15,000)".

Also Section 1 by striking out in line 64 the word "thereto" and inserting in lieu thereof the words "to receive such estate."

Also Section 2 by striking out in line 15 the word "decedent" and inserting in lieu thereof the word "descendant."

And that amendments to Sections 1, 2 and 3 be adopted as made by the Committee of the Whole and that further consideration of the Bill and final action be made a special order of business for tomorrow morning at 11 o'clock.

WOLD, Chairman."

On motion of Wold, report adopted.

The Committee on Engrossment reported House Bills Nos. 114, 42, 95, 96, 137, 97, 33, correctly engrossed.

The Committee on Printing reported as follows:

"Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bills Nos. 38, 61, Sub. 101, 162, 177, 182, H. J. M. 3, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman."

Moved by Gullidge, duly seconded and carried that the House adjourn until Thursday, February, 8th, at 10:30 A. M.

CALVIN CRUMBAKER, Speaker.

Attest: J. A. SHOEMAKER, Chief Clerk.

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THIRTY-NINTH DAY

House of Representatives,  
February 8, 1923.

House convened pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Upon roll call all members present except: Armstrong, Cowley, Gillette, Leavens, Peden, excused.

The Committee on Journal reported as follows:

**“Mr. Speaker:**

We, your Committee on Journal, have this day examined the Journal for the 38th Legislative Day and found the same correct.

BUCHANAN, Chairman.”

Report adopted.

### COMMUNICATIONS AND PETITIONS.

Communications from the Senate.

“Helena, Montana, February 7, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Joint Memorial No. 5, introduced by Smethurst, was reported from the Committee on Federal Relations with a recommendation that the same be not concurred in. Report adopted and the bill is herewith returned.

Very respectfully,

J. F. CONE, Secretary of the Senate.”

“Helena, Montana, February 8, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following House Bills were this day read third time and concurred in, title agreed to and herewith return to the House.

H. B. No. 14, introduced by Brandjord.

H. B. No. 18, introduced by Scharnikow.

H. B. No. 57, introduced by Cowley.

Very respectfully,

J. F. CONE, Secretary of the Senate.”

“Helena, Montana, February 7, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Senate bills were this day read third time, title agreed to, and are herewith transmitted to the House for concurrence.

Senate Bill No. 24, introduced by Committee on Sanitary Affairs.

Senate Bill No. 49, introduced by Rhoades.

Senate Substitute for Senate Bills Nos. 1 and 19.

Very respectfully,

J. F. CONE, Secretary of the Senate.”

Moved by Gullidge, duly seconded and carried that the following Senate Communications be considered read at length:

“Helena, Montana, February 7, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Senate bills were this day introduced, read first and second times, and referred to committee as follows:

Senate Bill No. 137, introduced by Cowan: “An Act amending Section 7184 of the Revised Codes of Montana, 1921, prescribing the qualifications of voters for all elections held under the provisions of Chapter 146, laws 1909.” Referred to Committee on Judiciary.

Senate Bill No. 138, introduced by Mains: “An Act to amend Sections 8812 and 8813 of the Revised Codes of Montana of 1921, relating to the judicial districts of the State of Montana and the judges thereof; providing the number of such judicial districts and defining them; providing for the number of judges in each of such judicial districts; providing when the said judicial districts shall come into existence, and providing for the nomination and election of the judges thereof for the next general election.” Referred to Committee on Judicial Districts.

Very respectfully,

J. F. CONE, Secretary of the Senate.”



"February 7, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Senate bills were this day introduced, read first and second times, and referred to the following committees:

Senate Bill No. 132, by Committee on Dairies and Dairying: A Bill for an Act entitled: "An Act relating to imitation butter; prohibition of coloring matter; sale of skimmed milk; trade marks; unfair discrimination; penalty for violation of the law; division of farming and dairying, powers and duties; regulation of standards; samples of dairy products for analysis and tests payment for same; compilation of statistics and extension work; licensing of creameries; cheese factories and ice cream factories; license fees; registration of factories; reports of factories; adoption of Babcock test; examination to operate the test; fee for certificates to operate the test, fee for certificate to operate the test; method of conducting the Babcock test; use of test bottles: false determination to test; regulation of cream stations; location of cream stations; unsanitary places where dairy products are manufactured or kept; interference with officer in performance of his duties; standards of dairy products; maker's name on package containing butter; licenses for producers of dairy products and amending Sections 2622; 2627; 2628, 2629, 2630, 2631, 3568, 3569, 3570 and 3282 of the Revised Codes of 1921." Referred to Committee on Dairies and Dairying.

Senate Bill No. 133, by Watson: "A Bill for an Act establishing and locating an agricultural experiment sub-station in Missoula county, Montana, to be known as the Mission Valley Sub-station." Referred to Committee on Agriculture.

Senate Bill No. 134, introduced by Paul, Dowlin and Clark: "An Act to provide for the transfer of all money in 'the war defense fund' of the State of Montana to the general fund of the State." Referred to Committee on Economy Legislation.

Senate Bill No. 135, introduced by Paul, Dowlin and Clark: "An Act to provide for the transfer of all moneys in the State gasoline inspection fund to the general fund of the State of Montana." Referred to Committee on Economy Legislation.

Senate Bill No. 136, introduced by Speer: "An Act authorizing the Federal government to file notices of tax liens in the office of any county clerk and recorder in the State of Montana." Referred to Committee on Federal Elections.

Very respectfully,

J. F. CONE, Secretary of the Senate."

Helena, Montana, February 7, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the House Amendments to Senate Bill No. 20, introduced by Committee on Insurance was this day concurred in.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 7, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee of the Whole, to whom was referred business on General File, beg leave to report and recommend as follows:

Senate Bill No. 72, be amended, Section 4, by adding thereto, a section known as 4-1/2, which reads as follows, "The live stock commission may at their discretion pay such bounty for the destruction of wild animals at such times of the year as they deem advisable;"

Also, that Senate Substitute for Senate Bill No. 82 do pass.

Also, that Senate Substitute for Senate Bill No. 56 do pass.

Also, that Senate Bill No. 90 do pass.

Also, that Senate Bill No. 92 do pass.

Also, that Senate Bill No. 60 do pass.

Also, that Senate Bill No. 91 do pass.

Also, that Senate Bill No. 96 do pass.

Also, that Senate Bill No. 99 do pass.

Also that the enacting clause be stricken from Senate Bill No. 83.

Very respectfully,

J. F. CONE, Secretary of the Senate."

Mr. Speaker:

"Helena, Montana, February 7, 1923.

I am directed by the Senate to inform your Honorable Body that the following standing committees report as follows:

Judiciary Committee: Senate Bill No. 114, introduced by Mains, recommend that said bill do not pass. A substitute motion duly seconded and carried, recommend that bill be printed.

Senate Bill No. 117, introduced by Mains, recommend that said bill do not pass. A substitute motion duly seconded and carried, recommend that bill be printed.

Senate Bill No. 127, introduced by Garber, recommend that said bill do not pass.

Senate Bill No. 115, introduced by Lowe, recommend that said bill do not pass.

Committee on Irrigation and Water Rights: Senate Bill No. 123, introduced by Cowan, recommend that said bill do pass.

Senate Bill No. 124, introduced by Kane, recommend that said bill do pass.

Committee on Federal Relations: Senate Joint Memorial No. 5, introduced by Kirk and Duncan, recommend that same be amended as follows: Line 22, page 1, the words "The Idle Rich," be stricken out, and in lieu thereof the words "People with Capital to invest." And in line 29 and 30, page 1, the words, "And to encourage non-production and thriftlessness among a certain class of our people" be stricken out and that amended Senate Joint Memorial No. 5 do pass.

House Joint Memorial No. 4, introduced by Bernard, recommend that House Joint Memorial No. 4 be concurred in.

House Joint Memorial No. 5, introduced by Smethurst, be not concurred in.

Committee on Railroads and Transportation, Senate Bill No. 89, introduced by Healy, report and recommend that the same be referred to the Committee on Economy Legislation.

Senate Joint Memorial No. 2, introduced by Taylor, do not pass and that Senate Joint Substitute Resolution for Senate Joint Memorial No. 2 do pass.

Committee on Railroads and Transportation: House Bill No. 65, introduced by Cavanaugh, be amended by adding to the end of Section 1, the following after the word misdemeanor, "And upon conviction thereof shall be subject to a fine of not less than twenty five (\$25.00) Dollars or more than five hundred (\$500.00) Dollars, or not less than ten (10) days' imprisonment or more than three months imprisonment, or by both such fine and imprisonment." And as amended recommend that bill be concurred in.

Committee on Military Affairs: Senate Bill No. 88, introduced by Committee on Military Affairs. Recommend that said bill do not pass.

Committee on Sanitary Affairs: Senate Bill No. 71, by Seigfriedt: Be amended in line 13, Section 9, by inserting after the word "not" the following, "Less than Fifty Dollars (\$50.00)," and by striking out the words, "more than one thousand (\$1000.00) dollars, and as amended, recommend that same do pass.

Very respectfully,

J. F. CONE, Secretary of the Senate."

Mr. Speaker:

"February 7, 1923.

I am directed by the Senate to inform your Honorable Body that House Bill No. 64, introduced by Goodman, was this day read third time, and concurred in as amended, title agreed to, and is herewith transmitted to the House for concurrence in Senate amendments.

Amend Section 3, by inserting in line 1, after the word "passage," the words "and approval."

Very respectfully,

J. F. CONE, Secretary of the Senate."

## NOTICES.

Authors gave notice that they will on tomorrow or some subsequent date introduce bills as follows:

By Bray and Troy: "A Bill for an Act entitled: 'An Act to abolish the State Railroad and Public Service Commission and providing for the transferring of their duties.'"

By Appropriations Committee: "A Bill for an Act entitled: 'An Act appropriating money to pay balance unpaid on judgment in favor of the General Electric company and against C. T. Stewart, as Secretary of State, for fees illegally collected.'"

By Committee on Dairy: "A Bill for an Act entitled: 'An Act to amend Chapter 202 of the Revised Codes of Montana of 1921, by adding thereto one new section to be known as Section 2623 (A), forbidding the sale of milk to which has been added any fat or oil other than milk fat.'"

By Taylor: "A Bill for an Act entitled: 'An Act to amend Section 1010 of the Revised Codes of Montana of 1921 relating to transportation of pupils.'"

By Stoner: "A Bill for an Act entitled: 'An Act to amend Sections 2865, 2867, 2891, 2892, 2898, 2899, 2900, 2905, 2906, 2907, 2911, 2912, 2913, 2914, 2915, 2916, 2917, 2918, 2919, 2920, of the Revised Codes of Montana of 1921, relating to the workmen's compensation law; and to repeal Sections 2893, 2894, 2895, 2897, 2909 and 2910 of the Revised Codes of Montana 1921, relating to workmen's compensation law.'"

By Larsen of Sheridan: "A memorial to United States Senate and House of Representatives asking for the passage of legislation stabilizing the price of wheat and providing an agency of the government for the marketing abroad of the surplus wheat crop."

By Pope: "A Bill for an Act entitled: 'An Act to provide protection for laborers, material men and sub-contractors furnishing labor and material for the prosecution of public work requiring a bond to be furnished by contractors upon public works; to secure the performance of their contracts and the payment of laborers, material men and sub-contractors; prescribing certain conditions of such public contracts and permitting action to be brought by laborers, material men and sub-contractors upon such bonds.'"

By Andrus: "A Bill for an Act entitled: 'An Act providing for an annual license tax to be paid by all physicians and surgeons practicing in this State; providing the method of collecting the same; providing for the disposition and expenditure of all moneys collected under the provisions of this act, and providing a penalty for the violation of any provisions of this act.'"

By Myrick by request: "A Bill for an Act entitled: 'An Act appropriating money to reimburse James L. Stillwell for moneys expended and loss sustained in defense of title to certain lands purchased from the State Board of Land Commissioners upon which he was subsequently contested.'"

By Davis of Wibaux: "A Bill for an Act entitled: 'An Act to amend Section 2235, Revised Laws of Montana of 1921, relating to the sale of unredeemed property for delinquent taxes by county commissioners.'"

By Troy: "A Bill for an Act entitled: 'An Act requiring suit for foreclosure of a mechanic's lien to be brought upon demand of the owners of property affected thereby.'"

By Bricker: "A Bill for an Act entitled: 'An Act relating to irrigation districts, and to transfer to, confer upon and vest in the State Engineer of the State of Montana all the rights, privileges, powers and duties now conferred upon, granted to, or vested in the Montana Irrigation Commission, the secretary of the Montana Irrigation Commission, the Public Service Commission of the State of Montana, the secretary of the Public Service Commission of the State of Montana, the Chief Engineer of the Montana Irrigation Commission and of the Public Service Commission of Montana under and by virtue of Chapter 13 of Montana Session Laws, extraordinary session of 1919, and Chapter 153 of Montana Session Laws for 1921, all as appearing in Sections 3947 to 4025 of the Revised Codes of Montana of 1921, both sections inclusive, excepting Section 3968 thereof and



amending and re-enacting said Section 3968 by providing that any irrigation district organized under said Chapter 153 may have the Attorney General the State Engineer and the State Examiner examine into and report upon the legal, physical and financial features of the district, and the Secretary of State certify to the bonds of the district, all under and as provided in Chapter 236 of Montana Session Laws for 1921, the same being Sections 7216 to 7225 of said Revised Codes'."

Baker requested, in behalf of the Public Morals Committee, and was granted by unanimous consent, permission to introduce two committee bills without previous notice.

### REPORTS OF SELECT COMMITTEES.

The Special Committee for the Investigation of State Institutions reported as follows:

"Mr. Speaker:

We, your Special Committee for the Investigation of State Institutions, having had under consideration H. B. No. 99, introduced by Bosley, a Bill for an Act entitled: "An Act providing for the separation of the schools for the deaf, dumb and blind, from the schools of the feeble minded; and the locating of the school for the deaf, dumb and blind in some large center of population," respectfully report as follows:

That H. B. No. 99 do not pass, (For the reason that the Attorney General advises your committee that the funds obtained from the sale of the five million dollar bond issue are not available for use for buildings for deaf and blind, except at Boulder).

MYRICK, Chairman."

Moved by Myrick, duly seconded, that report be adopted.

Moved by Bosley, as a substitute, and duly seconded, that H. B. No. 99 be referred to the Judiciary Committee.

The substitute motion having failed, and the question arising on the original motion to adopt the report, same carried.

### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received:

"Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bills Nos. 8, 108, 146, 173, 192, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman."

"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration H. B. No. 227, by Committee on Appropriations: "An Act to amend Section 1415 of the Revised Codes of Montana 1921, relating to appointment of, removal and salary of the superintendent of the insane asylum and his assistant," respectfully report as follows:

That H. B. No. 227, do pass.

BUELL, Chairman."

On motion of Buell, report adopted.

"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration H. B. No. 228, by Committee on Appropriations: "An Act to amend Section 860 of the Revised Codes of Montana of 1921, relating to refunding fare to students," respectfully report as follows:

That H. B. No. 228 do pass.

BUELL, Chairman."

On motion of Buell, report adopted.

"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration H. B. No. 230, by Committee on Appropriations: "An Act to amend Section 293 of the

Revised Codes of Montana of 1921, relating to supervision of public printing," respectfully report as follows:

That H. B. No. 230 do pass.

BUELL, Chairman."

On motion of Buell, report adopted.

"Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration H. B. No. 202, a Bill for an Act entitled: "An Act to amend Section 410 of the Revised Codes of Montana of 1921, relating to the qualifications of civil officers," respectfully report as follows:

That H. B. No. 202 recommend that same do pass.

ARNOLD, Chairman."

On motion of Arnold, report adopted.

"Mr. Speaker:

We, your Committee on Education, having had under consideration H. B. No. 59, by Rodgers, a Bill for an Act entitled: "An Act to amend Sections 1224, 1225, 1226, 1228 and 1229, and to repeal Sections 1234, 1235, 1236, 1237, 1238, 1239, 1240, and 1241 and 1242, Revised Codes of Montana 1921, all relating to school district bonds," respectfully report as follows:

That H. B. No. 59 do not pass, and offer in lieu thereof Sub. for H. B. No. 59, by Committee on Education, a Bill for an Act entitled: "An Act to amend Sections 1224, 1225, 1226, 1228 and 1229 and to repeal Sections 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241 and 1242, Revised Codes of Montana, 1921, all relating to school district bonds," with the recommendation that the same do pass.

GULLIDGE, Chairman."

On motion of Gullidge, report adopted.

Substitute House Bill No. 59, by the Committee on Education was introduced, read first and second times by title only and referred to the Committee on Printing.

The Committee on Affairs of Cities reported as follows:

"Mr. Speaker:

We, your Committee on Affairs of Cities, having had under consideration H. B. No. 117, by Maury: A Bill for an Act entitled: "An Act to require a submission to the qualified electors of each city in Montana at the next city election the question whether the city council of such city shall have complete and exclusive control over and power to regulate the organization, and maintenance of its police department and complete control over and regulation of the manner of appointment service and dismissal of any and all members thereof and the grant of such control and power of the city councils of all cities wherein a majority of the therein resident qualified electors do vote in favor thereof," respectfully report as follows:

That H. B. No. 117 do not pass.

LEASE, Chairman."

Moved by Lease, duly seconded and carried that the report be adopted.

### SPECIAL ORDER.

### CONSIDERATION OF GENERAL ORDERS WITH RESPECT TO

### HOUSE BILL NO. 40.

Moved by Gullidge, duly seconded and carried, that the House resolve itself into a Committee of the Whole for the consideration of House Bill No. 40, that the bill be read by section number only and be open to amendment, and that debate be limited to 10 minutes to any one member.

Wold in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole, having had under consideration House Bill No. 40, respectfully report back with the recommendation that House Bill No. 40 be amended as follows:

Subdivision 2 of Section 4 by substituting the words and figures \$10,000, for the words and figures \$25,000, and by substituting for the words and figures \$5,000 for the words and figures \$15,000, wherever the same may appear in said subdivision.

Section 12 by striking out in line 1 the word "County" and inserting in lieu thereof the word "District."

Section 15 by adding in line 47 after the word "death" a period and by striking out in lines 47 and 48 the words "and such earnings or income shall not be exempt from the income tax."

Sub-division 12 of Section 15 by striking out in line 117 of the printed bill the word "two" and inserting in lieu thereof the word "one."

Section 17 by striking out in line 30 thereof the word "except" and inserting in lieu thereof the word "and."

Section 23, line 10, strike out the word "kindergarten."

Strike out all of Section 27 and re-number the following sections:

Section 18 by adding after both sub-divisions 1 and 3 of the said section "but no information so acquired shall, in advance of legal action, be disclosed to any one except proper officials, and persons interested in such estate."

And when so amended, do pass.

WOLD, Chairman."

Moved by Wold, duly seconded and carried that report be adopted.

Moved by Scharnikow, duly seconded and carried, that Special Order Consideration of House Bill No. 62, heretofore fixed for 2:00 p. m., be deferred until 2:30 p. m.

Moved by Gullidge, duly seconded and carried, that House recess until 2:00 p. m.

#### AFTERNOON SESSION.

House resumed at 2:00 P. M.

Mr. Speaker in the chair.

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received:

"Mr. Speaker:

We, your Committee on Affairs of Cities, having had under consideration H. B. No. 76, by Scharnikow: A Bill for an Act entitled: "An Act to amend Sections 5228 and 5229 of the Revised Codes of Montana of 1921 relating to the area embraced in special improvement districts, and to protest against such work," respectfully report as follows:

That H. B. No. 76 do pass.

LEASE, Chairman."

On motion of Scharnikow, report adopted.

"Mr. Speaker:

We, your Committee on Affairs of Cities, having had under consideration H. B. No. 129, by Bosley, a Bill for an Act entitled: "An Act to amend Chapter 53, Part IV, of the Political Codes of the State of Montana, Sections 5226 and 5238 Revised Codes of Montana, 1921, relative to special improvement districts in cities and towns," respectfully report as follows:

That H. B. No. 129 do pass.

LEASE, Chairman."

Moved by Bosley that the report be rejected and that H. B. No. 129 be referred to Judiciary Committee.

"Mr. Speaker:

We, your Committee on Affairs of Cities, having had under consideration H. B. No. 185, by Benedict, a Bill for an Act entitled: "An Act for a law con-



ferring upon the councils of cities and towns owning public cemeteries, power to create cemetery boards with jurisdiction to regulate and control such cemeteries, conferring upon such councils power to define the duties of such boards, and the power to levy upon property located within such cities and towns not to exceed two mills on the dollar of assessed valuation for the support and maintenance of such cemeteries," respectfully report as follows:

That H. B. No. 185 do not pass.

LEASE, Chairman."

On motion of Clark, report adopted.

"Mr. Speaker:

We, your Committee on Affairs of Cities, having had under consideration H. B. No. 231, introduced by Committee on Affairs of Cities, a Bill for an Act entitled: "An Act to amend Sections 5097, 5098, 5099, 5100, 5101, and 5106 of the Revised Codes of Montana of 1921, prescribing the qualifications of policemen in cities, their term of office, the method of their appointment, trials for misconduct or malfeasance in office, their suspension or discharge, and to provide for the creation of a police commission to examine all applicants and to try and determine all charges filed against the policemen and prescribing the method of review and appeal of any sentences imposed, and defining who are on the eligible list for service," respectfully report as follows:

That H. B. No. 231 do pass.

LEASE, Chairman."

On motion of Clarke, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration H. B. No. 207, entitled: "An Act to amend Subdivision 2, of Section 9111 of the Revised Codes of Montana of 1921 relating to service of summons," respectfully report as follows:

That H. B. No. 207 do pass.

KENYON, Chairman."

On motion of Smith, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration H. B. No. 194, by McCormack, entitled: "An Act to amend Section 6216, Revised Codes, Montana, 1921, pertaining to the requirements of surety companies to transact business within the State of Montana, and relating to the authority of the agents of such companies, making it incumbent upon such companies to have and deposit with the insurance commission of the State of Montana, \$50,000 in trust for the benefit of the resident holders of the obligations for such corporation, before any such corporation may do or transact business within the State of Montana," respectfully report as follows:

That H. B. No. 194 be amended as follows:

Amend Section 1, in line 19, to read \$500,000.00 instead of \$250,000.00 and at the end of Section 1, after the word, "corporation," insert the following:

"No person shall act within this state as agent for any domestic surety company or corporation, unless it is possessed of \$250,000.00 capital and such capital to the extent of \$100,000.00 be invested in obligations of the kind hereinbefore described and such obligations or the evidence thereof are deposited with the Insurance Commissioner of this State,"

And that as so amended it do pass.

KENYON, Chairman."

On report of Scharnikow, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration H. B. No. 233, by Carlson of Gallatin, Pope, and Scharnikow, entitled: "An Act defining, describing and creating judicial districts within the State of Montana, and prescribing the number of judges for each district," respectfully report as follows:

That H. B. No. 233 do pass.

KENYON, Chairman."

On motion of Scharnikow, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration H. B. No. 238, by Judiciary Committee, entitled: "An Act amending Section 6206 of Chapter 18, of the Revised Codes of the State of Montana, 1921, increasing the requirements of surety companies for admission into this State and requiring such surety companies to have a paid up stock of not less than five hundred thousand dollars," respectfully report as follows:

That H. B. No. 238 do pass.

KENYON, Chairman."

On motion of Scharnikow, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration H. B. No. 226, by Burke, entitled: "An Act to amend Section 9432 of the Revised Codes of Montana of 1921, relating to notice of sale, how sale given, copy of notice, by amending subdivision two thereof," respectfully report as follows:

That H. B. No. 226 do not pass.

KENYON, Chairman."

On motion of Scharnikow, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration H. B. No. 234, by Bernard, entitled: "An Act repealing Section 146 of the Revised Codes of Montana, 1921, relating to fees of Secretary of State in filing and recording articles of incorporation and issuance of certificates of foreign and domestic religious societies, church organizations for religious purposes and fraternal societies, not having capital stock and not organized for purposes of profit," respectfully report as follows:

That H. B. No. 234 do not pass for the reason that it repeals all fees for religious and fraternal corporations and in the opinion of the committee some fee should be required.

KENYON, Chairman."

On motion of Scharnikow, report adopted.

"Mr. Speaker:

We, your Committee on Railroads and Transportation, having had under consideration House Bill No. 84, introduced by Kelly of Silver Bow, being a Bill for an Act entitled: "An Act providing for the supervision and regulation of the transportation of persons and property for compensation over any public highway in the State of Montana by motor vehicles, motor trucks, motor busses, buss trailer, semi-trailers, and other motor vehicles; defining what constitutes transportation for compensation, defining transportation companies, and providing for the supervision and regulation thereof by the Railroad Commission of Montana; providing for the enforcement of this Act and the punishment for violation thereof and declaring an emergency," respectfully report as follows:

That H. B. No. 84 be printed and placed on General Orders.

DEAN, Chairman."

On motion of Stoner, report adopted.

"Mr. Speaker:

We, your Committee on Insurance, having had under consideration H. B. No. 93, by Pilgeram, a Bill for an Act entitled: "An Act to provide for the insurance of all public buildings of the State and of the several counties of the State and of the public school buildings by the State Board of Examiners," respectfully report as follows:

That H. B. No. 93 do not pass.

WOLD, Chairman."

Moved by Wold, duly seconded, that the report be adopted.

Moved by Pilgeram, duly seconded, that House Bill No. 93 be printed and placed on General Orders. Upon roll call, requested by Pilgeram, duly seconded, the substitute motion carried by the following vote:

Ayes: Andrew, Andrus, Baker, Benedict, Bergstrom, Bernard, Bohling, Boorman, Bosley, Brandjord, Bray, Cady, Caplis, Carlson (McCone), Cavanaugh, Clarke, Cronk, Dean, Dell, Denny, Duffy, Elliott, Facey, Flynn, Fulsher, Good-

man, Hamilton, Hanson, Harris, Hoffman, Holton, Joffray, Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Mushbach, Myrick, Nelson, Oker, Ostby, Perrine, Pilgeram, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Smethurst, Smith, Stoner, Swift, Taylor, Tawney, Tierney, Troy, Zuck, Mr. Speaker. Total, 68.

Noes: Arnold, Berryman, Bricker, Buchanan, Buell, Burke, Buttelman, Carlson (Gallatin), Davis (Fergus), Davis (Wibaux), Gullidge, Hawley, Johnson, Kelly (Pondera), Lemmon, Murphy, Scharnikow, Pope, Seidensticker, Spencer, Strange, Terrett, Wold. Total, 23.

Absent and not voting: Armstrong, Cowley, English, Gillette, Gillin, Leavens, O'Connell, Peden, Stoddard. Total, 9.

### SPECIAL ORDER.

#### CONSIDERATION OF GENERAL ORDERS WITH RESPECT TO HOUSE BILL NO. 62

Moved by Gullidge, duly seconded and carried that the House resolve itself into a Committee of the Whole for the consideration of House Bill No. 62, and that debate be limited to 10 minutes for any one member.

Cady in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole, having had under consideration House Bill No. 62, respectfully report back with the recommendation that House Bill No. 62 have the enacting clause stricken out.

CADY, Chairman."

Moved by Cady, and duly seconded, that the report be adopted.

A call of the House was demanded by Gullidge, duly seconded by fifteen members.

Upon roll call all members were present except: Stoddard and Mushbach.

Moved by Duffy, duly seconded and carried that further action under Call of the House be dispensed with.

The roll being called the motion of Cady was adopted, the vote being as follows:

Ayes: Andrew, Andrus, Arnold, Baker, Bergstrom, Bernard, Berryman, Bohling, Bray, Bricker, Buchanan, Buell, Burke, Buttelman, Cady, Cronk, Davis (Wibaux), Denny, Duffy, Facey, Goodman, Gullidge, Harris, Hawley, Holton, Johnson, Kelly (Pondera), Kennedy, Kenyon, Larson (Richland), Lease, Lemmon, Loble, McAfee, McCarty, McLeod, Maury, Murphy, Myrick, Nelson, Oker, Rasmussen, Ridle, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smith, Spencer, Strange, Swift, Taylor, Terrett, Wold, Mr. Speaker. Total, 55.

Noes: Benedict, Boorman, Bosley, Brandjord, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Davis (Fergus), Dean, Dell, Elliott, English, Flynn, Fulsher, Hamilton, Hanson, Hoffman, Joffray, Kelly (Silver Bow), Kinville, Larsen (Sheridan), McCormack, O'Connell, Ostby, Perrine, Pilgeram, Pope, Rodgers, Roscow, Smethurst, Stoner, Tawney, Tierney, Troy, Zuck. Total, 37.

Absent and not voting: Armstrong, Cowley, Gillette, Gillin, Leavens, Mushbach, Peden, Stoddard. Total, 8.

### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received:

"Mr. Speaker:

We, your Committee on Insurance, having had under consideration S. B. No. 38, by Oliver, a Bill for an Act entitled: "An Act amending Section 162 of the Revised Codes of Montana of 1921, relating to the Commissioner of Insurance," respectfully report as follows:



That S. B. No. 38 be amended by adding at the end of Section 1 the following: "Provided that nothing herein contained shall be construed to authorize an increase of employees in said office."

And the bill so amended be concurred in.

WOLD, Chairman."

On motion of Wold, report adopted.

"Mr. Speaker:

We, your Committee on Public Morals, Charities and Reforms, having had under consideration H. B. No. 219, introduced by Committee on Public Morals, Charities and Reforms, a Bill for an Act entitled: "An Act to provide for the regulation and licensing of dance halls, the regulation of dancing and the penalties for the violation of the provisions thereof," respectfully report as follows:

That H. B. No. 219 be amended as follows:

In Section 2, by striking out in line 20 the word "the," after the word "with;" by striking out in line 22 the word "or," and inserting in lieu thereof the word "in," and strike out the comma after the word "dances." In line 25 after the word "dollars" insert therein the words "per annum." In Section 7, in line 1, strike out the word "as," in line 2 strike out the word "violations" and insert in lieu thereof the word "violation." Section 6, in line 21 after the word "unlawful" insert the words "for any person." In line 22 after the word "guardian" insert the words "of any such minor under the age of sixteen years." In line 22 after the first word "person" insert the words "in charge of such minor child." Section 10, line 1, strike out the word "license" and insert in lieu thereof the words "the licenses and permits;" Section 11 in line 27, strike out the word "license" and insert in lieu thereof the words "licenses and permits;" In line 28, strike out the word "who" and insert the word "he."

BAKER, Vice-Chairman."

On motion of Baker, report adopted.

"Mr. Speaker:

We, your Committee on Townships and Counties having had under consideration S. B. No. 48, by Garber, a Bill for an Act entitled: "An Act amending Section 4736, Revised Codes of Montana of 1921, relating to certain duties of county officials," respectfully report as follows:

That S. B. No. 48 be concurred in.

SPENCER, Chairman."

On motion of Spencer, report adopted.

"Mr. Speaker:

We, your Committee on Townships and Counties having had under consideration H. B. No. 189, by Hanson, a Bill entitled: "A Bill to authorize the State Board of Equalization to review and determine the necessity and advisability to issue bonds by any county or taxing district, and limiting the rate of interest on municipal bonds," respectfully report as follows:

That H. B. No. 189 do not pass.

SPENCER, Chairman."

On motion of Spencer, report adopted.

"Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration H. B. No. 217, a Bill for an Act entitled: "An Act to abolish the office of county auditor and to repeal Sections 4824, 4825, 3826, 4827, 4828, 4829, 4830, 4831, 4832, 4833 and 4834 of the Revised Codes of the State of Montana of 1921, being Chapter 30 of Part IV of the Political Code of the State of Montana, relating to the office of county auditor," respectfully report as follows:

That H. B. No. 217 recommend that bill do pass.

ARNOLD, Chairman."

On motion of Arnold, report adopted.

"Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration H. J. R. No. 2, introduced by the Committee on Ways and Means, entitled: "A resolution requesting an investigation by the State Board of Equalization of the wide divergence of "market value" of crude oil, as reported for production license

tax during the years 1921, and 1922," respectfully report as follows: That H. J. R. No. 2 that as the subject matter of this resolution is now under consideration by the Committee on Revenue and Taxation recommend that this resolution do not pass.

ARNOLD, Chairman."

On motion of Arnold, report adopted.

"Mr. Speaker:

We, your Committee on Labor, having had under consideration H. B. No. 201, introduced by Smethurst, being a Bill for an Act entitled: "An Act amending Sections 3460, paragraph "A," 3472, 3513, 3515, of the Revised Codes of the State of Montana, 1921, relating to the examination, appointment, duties, qualifications and requirements of mine foremen and their assistants," beg to offer the following amendments thereto:

Amend Section 1, in line 12, after the words "Assistant Mine Foremen," by inserting the words: "Face Bosses and Night Bosses."

Also amend Section 2, in line 27, after the words "assistant Mine foremon," by inserting the words "face bosses and night bosses."

Also amend Section 3, in line 8, after the word "foreman," by striking out the words: "or some of his assistants," in line 8, and inserting in lieu thereof the following: "assistant mine foreman, face bosses or night bosses."

Also amend Section 4, in line 15, after the word "assistants" by inserting the following: "face bosses or night bosses."

Also amend Section 4, by inserting the following after the word "or" in line 33; "assistant foreman, or mine examiner, as provided for in this act, whenever such mine foreman."

Also amend said Bill No. 201, by adding thereto a new section, to be known as Section 6, as follows:

"Section 6. This act shall be in full force and effect on and after July 15th, 1923."

Your committee further recommends that when said bill has been so amended, it do pass.

STONER, Chairman."

On motion of Stoner, report adopted.

"Mr. Speaker:

We, the Committee on Horticulture, having had under consideration H. B. No. 225, by Committee on Horticulture, a Bill for an Act entitled: "An Act to amend Sections 4268 and 4270 of the Revised Codes of Montana of 1921, relating to the classification and quality of apples and defining grades and standards of apples."

Recommend that bill do pass.

TAWNEY, Chairman."

On motion of Tierney, report adopted.

"Mr. Speaker:

We, your Committee on Labor, having had under consideration Substitute for H. B. No. 15, introduced by Committee on Agriculture, being a Bill for an Act entitled: "An Act to provide for a lien upon growing crops, under certain conditions, for labor performed in and upon the planting, cultivating, care and harvesting of such crops," beg leave to ask for further time for the consideration of said bill.

STONER, Chairman."

On motion of Stoner, report adopted.

"Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bills Nos. 200, 218, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman."

The Committee on Enrollment report as follows:

"Mr. Speaker:

We, your Committee on Enrollment wish to report House Bills Nos. 14, 18, 57, correctly enrolled.

McAFEE, Chairman."

### INTRODUCTION OF BILLS AND MEMORIALS.

Moved by Pope, duly seconded, that McCarty's request on behalf of the Committee on Public Health and Sanitary Affairs for permission to introduce a committee bill without previous notice, and a like request in behalf of the Appropriations Committee from Buell, to introduce a committee bill without previous notice be granted.

Upon request of Gullidge, duly seconded, for a roll call, the motion carried, the vote being as follows:

Ayes: Andrus, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Brandjord, Bricker, Buchanan, Bray, Buell, Buttelman, Cady, Carlson (Gallatin), Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Elliott, Facey, Flynn, Fulsher, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Holton, Joffray, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Murphy, Myrick, Nelson, O'Connell, Oker, Perrine, Pope, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smith, Spencer, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Troy, Wold, Mr. Speaker. Total, 73.

Noes: Andrew, Boorman, Burke, Caplis, Carlson (McCone), Cavanaugh, Clarke, Duffy, English, Johnson, Maury, Ostby, Pilgeram, Smethurst. Total, 14.

Absent and not voting: Armstrong, Bosley, Cowley, Gillette, Gillin, Hoffman, Leavens, Mushbach, Peden, Rasmussen, Stoddard, Tierney, Zuck. Total, 13.

The following Senate bills were introduced, read first and second times by title and history only, and referred to the committees as follows:

S. B. No. 24, by Committee on Sanitary Affairs: "A Bill for an Act entitled: 'An Act to prevent the procreation of hereditary idiots, feeble minded, insane, and epileptics who are inmates of state custodial institutions, by authorizing and providing for eugenical sterilization for said inmates.'" (Committee on Public Health.)

Mr. Speaker gave notice that he was about to sign House Bills Nos. 57, 18 and 14 respectively, and thereupon signed the same.

S. B. No. 49, by Rhoades: "A Bill for an Act entitled: 'An Act to amend Section 2726 of the Revised Codes of the State of Montana of 1921, relating to inspection of boilers.'" (Committee on Judiciary.)

Sub. S. B. No. 1 for S. B. Nos. 1 and 19; by Committee on Revenue and Taxation: "A Bill for An Act entitled: 'An Act to fix the time and method of collecting taxes and interest thereon, amending Sections 2169, 2171, 2174, 2176, 2180, 2181 and 2182 of the Revised Codes of Montana of 1921, and repealing Sections 2175, 2177, 2183 and 2188 of the Revised Codes of Montana of 1921, all relating to the collection of taxes.'" (Committee on Ways and Means).

The following House Bills were introduced, read first and second times by title only, and referred to committees as follows:

H. B. No. 239, by Tawney: "A Bill for An Act entitled: 'An Act to provide for a license tax upon owners and operators, or operators of electric power plants and transmission lines.'" (Committee on Ways and Means.)

Mr. Speaker gave notice that he was about to sign Senate Bills Nos. 9, 32, and 31, respectively and thereupon signed the same.

H. B. No. 240, by Smith: "A Bill for An Act entitled: 'An Act providing for the incarceration of prisoners committed under process of order issued under the authority of the United States in county jails, making it the duty of the sheriff to receive such prisoners, making provision for the support of such prisoners, and repealing Section 12,472 of the Revised Codes of Montana of 1921, and all Acts and parts of Acts in conflict herewith.'" (Committee on Judiciary.)



H. B. No. 241, by Sandy by request: "A Bill for An Act entitled: 'An Act changing the boundary line between Lewis and Clark County and Jefferson County, State of Montana, and amending Sections 4326 and 4328 of the 1921 Revised Codes of the State of Montana.'" (Committee on New Counties and Divisions).

H. B. No. 242, by Smethurst: "A Bill for An Act entitled: 'An Act to amend Section 3071 of the Revised Codes of Montana of 1921, by defining the period of employment of working-men or employees of eight hours per day, as used herein.'" (Committee on Labor).

H. B. No. 243, by Smethurst: "A Bill for An Act entitled: 'An Act to amend Section 3761 of the Revised Codes of Montana, 1921, concerning the Snow Creek Game Preserve.'" (Committee on Fish and Game).

H. B. No. 244, by Strange: "A Bill for An Act entitled: 'An Act relating to irrigation districts, amending and re-enacting Sections 7249 and 7258 of the Revised Codes of Montana, 1921, relating to the liability and duty of county treasurer and the transfer of and interest on district funds and enacting a new Section to be designated section 7215A of the Revised Codes of Montana, 1921, authorizing and regulating the investment of money in the construction fund.'" (Committee on Irrigation and Water Rights).

H. B. No. 245, by Committee on Public Morals, Charities and Reforms: "A Bill for An Act entitled: 'An Act to amend Section 11020 Revised Codes of 1921, relating to the desertion, abandonment or failure to support a child or pregnant wife.'" (Committee on Public Morals, Charities and Reforms).

H. B. No. 248, by Davis of Wibaux: "A Bill for An Act entitled: 'An Act providing for the appointment of a farm loan commissioner, prescribing his duties, term of office and salary and repealing Section 1819 of the Revised Codes of Montana, 1921, relating to Deputy Register of State Lands.'" (Committee on State Lands).

H. B. No. 249, by Nelson: "A Bill for An Act entitled: 'An Act authorizing and providing for the consolidation and merging of the corporate existence and government of any county in the state and of all cities and towns situated therein into one municipaal corporation and government, defining the powers thereof and providing a commission-manager plan of government therefor.'" (Committee on Townships and Counties).

H. B. No. 250, by Scharnikow: "A Bill for an Act entitled: 'An Act amending Sections 6453 and 6455 of the Revised Codes of Montana of 1921, relating to the formation of religious, fraternal, benevolent and charitable corporations.'" (Committee on Judiciary).

H. B. No. 251, by Stoner: "A Bill for An Act entitled: 'An Act prohibiting the offering of a consideration of benefit to a member of any co-operative marketing association intended to influence or induce or attempt to influence or induce such member to commit a breach of his contract or agreement with such co-operative marketing association and providing a penalty for the violation of this act.'" (Committee on Agriculture).

H. B. No. 252, by Pilgeram: "An Act providing for ventilation of quartz mines, and providing penalties for the violation thereof." (Committee on Mines and Mining).

H. B. No. 253, by Pope: "A Bill for An Act entitled: 'An Act to amend and re-enact Section 1275 of the Revised Codes of Montana, 1921, relating to county high schools.'" (Committee on Education).

H. B. No. 254, by Joffray: "A Bill for An Act entitled: 'An Act to amend Section 11273 of the Revised Codes of Montana of 1921, providing for escapement shafts and openings in quartz mines.'" (Committee on Mines and Mining).

H. B. No. 255, by Pilgeram: "A Bill for An Act entitled: 'An Act to amend Section 587 and 588 of the Revised Codes of Montana of 1921, relating to judges of election, how appointed and number of judges to be appointed.'" (Committee on Privileges and Elections).

H. B. No. 256, by Tawney: "A Bill for an Act entitled: 'An Act relating to irrigation districts, enacting a new Section to be designated as Section 7189A of the Revised Codes of Montana of 1921, giving to the court continuing jurisdiction over proceedings for establishment of districts, for the inclusion or exclusion of lands therein or the change of the boundaries thereof with powers to make proper corrections and amendments of matters included in any order made in any such proceeding, including description of lands and providing the procedure for the exercise of such powers; also enacting another new Section to be designated as Section 7231A of the Revised Codes of Montana of 1921, providing a limitation against actions or proceedings allocating orders or decrees purporting to establish districts or correcting or amending any such order or decree, validating districts heretofore established or attempted to be established by order of court and the acts and proceedings of such districts or their commissioners leading up to the authorization, issuance of sale, or proposed issuance or sale, of bonds, as well as such bonds; also amending Sections 7190, 7191 and 7192 of the Revised Codes of Montana of 1921, relating to the determination of acreages in irrigation districts, and regulating the procedure therefor.'" (Committee on Irrigation and Water Rights).

H. B. No. 257, by Scharnikow: "A Bill for An Act entitled: 'An Act establishing a state highway commission, prescribing the powers and duties thereof, providing for the appointment of a Highway Engineer and his assistant and prescribing the duties; providing the method and limitation of expenditures; imposing certain duties upon county officials; assenting to the Federal aid road act of Congress, approved July 11, 1916, and authorizing the state highway commission to cooperate with United States Government and the various counties in the State in the construction of roads and bridges; transferring certain funds to the general fund of the state and repealing Sections 1783, 1784, 1785, 1786, 1799, and 1800 of the Revised Codes of Montana of 1921.'" (Committee on Highways).

H. B. No. 258, by Loble: "A Bill for An Act entitled: 'An Act to provide for dividing counties into county commissioner districts; providing for one county commissioner from each district; providing for the changing and equalizing of county commissioner districts; and amending Sections 4452 and 4453 of the Revised Codes of Montana of 1921.'" (Committee on Townships and Counties).

H. B. No. 259, by Committee on Affairs of Cities: "A Bill for An Act entitled: 'An Act conferring upon the councils of cities and towns owning municipal water works and water systems power to create boards of water commissioners to have supervision and control over such municipal water works and water systems, and conferring upon such councils power to define the duties of such boards.'" (Committee on Affairs of Cities).

H. B. No. 261, by Committee on Public Health and Sanitary Affairs: "A Bill for An Act entitled: 'An Act to amend Sections 2593 and 2595 of the Revised Codes of Montana of 1921, relating to tests and analyses to be made by the state board of health making such tests and analyses prima facie evidence of the facts contained therein.'" (Committee on Public Health and Sanitary Affairs).

The following bills were introduced, read first and second times, and referred to committees as follows:

H. B. No. 246, by Arnold: "A Bill for an Act entitled: 'An Act appropriating money for the maintenance of the Montana State Highway System of roads in conjunction with the various counties of the State of Montana by and thru their boards of county commissioners for the two years beginning July 1st, 1923 and ending June 30, 1925, under rules and regulations of Montana State Highway Commission.'" (Committee on Appropriations).

H. B. No. 247, by Arnold: "A Bill for An Act entitled: 'An Act appropriating money for the administrative expenses of the Montana State Highway Commission for the two years beginning July 1, 1923, and ending June 30, 1925.'" (Committee on Appropriations).

H. B. No. 260, by Committee on Appropriations: "A Bill for An Act entitled: 'An Act to empower and direct the state board of prison commissioners of the State of Montana to acquire by purchase the Valiton ranch and the Kohrs and Bielenberg ranch to be used in connection with the operation of the Montana State Prison, and providing an appropriation therefor.'" (Committee on Appropriations).

#### MOTIONS AND RESOLUTIONS.

Moved by Gullidge, duly seconded and carried without dissenting vote that House Bill No. 40 be recalled from the Engrossing Committee and be referred to General Orders for the purpose of striking out the words "outside this state" in line 4 of Sec. 2—Subdivision 4.

Moved by Buell, duly seconded and carried that the House appoint a committee of two and invite the Senate to appoint a committee of one to inspect and appraise and advise the House and the Senate as to the advisability of making the investment proposed in House Bill No. 260.

Moved by Duffy, duly seconded that the action taken on report of the Committee on Appropriations relative to substitute for House Bills Nos. 102 and 136 be reconsidered.

Moved by Lease, duly seconded and carried that the motion to reconsider be laid on the table.

Moved by Caplis, duly seconded and carried that House Resolution No. 10, with reference to telephone rates, be copied and that a copy thereof as adopted be sent to the Public Utilities Commission and a copy sent to the new Tax Commission with an earnest request that they heed the subject matter thereof.

#### CONSIDERATION OF MESSAGES FROM THE GOVERNOR AND SENATE.

The following message from the Governor was, upon motion of Gullidge, duly seconded and carried, considered read at length and ordered spread on the Journal:

"Helena, Montana, February 7, 1923.

The Speaker, House of Representatives, Helena, Montana.

Complying with the provisions of the Constitution, I have the honor to transmit herewith a report of the Pardons and Commutations of Sentence granted by the Governor and Acting Governors since the time of the report of the Seventeenth Legislative Assembly.

JOS. M. DIXON, Governor.

#### 'REPORT OF PARDONS AND COMMUTATIONS OF SENTENCE GRANTED SINCE THE REPORT TO THE EIGHTEENTH LEGISLATIVE ASSEMBLY.

##### PARDONS.

Alex Podbielski—Committed from Cascade County February 28, 1921, for manufacturing intoxicating liquors. Sentence—4 months in county jail and fine of \$200. On May 11, 1921, he was granted a pardon and his fine remitted, in order that he might again assume the support of his family, and thereby relieve the county of that expense.

Paul Nieman—Committed from Broadwater county February 28, 1921, for statutory rape. Sentence—2 to 4 years. On May 20, 1921, he was granted a full and unconditional pardon, because of his youth and the belief of the Judge, County Attorney and others that he had been sufficiently punished.

M. J. Meany—Committed from Silver Bow county January 30, 1909, for robbing a cigar store and pool hall in the City of Butte. Sentence—20 years. He escaped November 5, 1917, was recaptured and returned September 22, 1918. An unconditional pardon was granted June 10, 1921, because of the fact that he was little more than a boy when the crime was committed, he came from a good family and the action was urged by many people of prominence through letters and petitions.



James A. Taylor—Committed from Fergus county November 9, 1919, for grand larceny. Sentence—6 to 12 years. An unconditional pardon was granted June 13, 1921, it being evident that the evidence at the trial did not warrant so heavy a penalty. This action was taken upon the recommendation of judge and prosecuting attorney, as well as others.

Henry Amend—Committed from Yellowstone county June 18, 1920, for the charge of assault. Sentence—2 to 4 years. Because of his good conduct and industry, he was granted a pardon on June 13, 1921.

Josef Hocevar—Committed from Musselshell county February 22, 1919, for the crime of sedition. Sentence—6 to 12 years. It was claimed he was the victim of a "frameup," he was not a violent seditionist and the evidence was not strong. A full and unconditional pardon was therefore granted on June 16, 1921.

Louis Young—Committed from Blaine county December 4, 1920, for the crime of forgery. Sentence—2 to 4 years. Because of his youth, being not yet sixteen years of age when crime was committed, he was granted a full and complete pardon on July 5, 1921.

Reuben Babcock—Committed from Cascade county March 14, 1921, for the crime of arson. Sentence—1 to 2 years. On July 6, 1921, he was granted an unconditional pardon, because of dependent family and the receipt of various letters and petitions urging such action.

John Lugo—Committed from Fergus county December 15, 1920, for the crime of grand larceny. Sentence—3 to 6 years. A full and complete pardon granted July 31, 1922, because of his good record, ill health and the expressed belief of the judge and warden that he had more than paid the penalty for his part in the crime.

William H. Riley—Committed from Chouteau county February 14, 1921, for assault in first degree. Sentence—\$500 fine. On August 2, 1921, he was granted a remission of that portion of his fine still unpaid, in compliance with petitions filed and recommendation of judge and county attorney.

Wm. B. Nelson—Committed January 27, 1921 from Cascade county, for the crime of forgery. Sentence—1 to 3 years. August 27, 1921, he was given a full and unconditional pardon, because of ill health, a dependent family and excellent war record.

Wm. G. Bates—Committed from Teton county February 2, 1916. Sentence—18 to 20 years. Sentence commuted on Dec. 10, 1919, to 8 to 20 years. Because of his good record he was released on parole February 15, 1920. His employers earnestly endorsed his application for pardon. He was therefore granted an unconditional pardon on August 27, 1921.

Carl Ferdinand Schnittger—Committed from Wheatland county April 19, 1919, for the crime of rape. Sentence—20 to 40 years. Because of doubt as to his guilt, he was granted an unconditional pardon November 29, 1921.

Mary Jones—Committed from Cascade county, December 7, 1921, charged with giving and disposing of intoxicating liquors. Sentence—60 days in county jail and fine of \$200. On December 21, 1921, she was granted an unconditional pardon, and her fine remitted. Ten of the jurors, several Cascade county officials and the county attorney joined in the petition for clemency, chiefly because her family was dependent upon her for support.

Con Londergan—Committed from the county of Fergus, November 3, 1919, for the crime of grand larceny. Sentence—1 to 3 years. His sentence was suspended by the District Court of Fergus county on November 15, 1919. He reported regularly and conducted himself well. He is an old man and wished to return to his family in Iowa. A full and complete pardon was granted February 1, 1922.

Maude Applebury—Committed from Ravalli county December 3, 1921, charged with contributing to the delinquency of a minor child. Sentence—4 months in county jail and fine of \$500.00. Letters and statement of circumstances surrounding the case gave evidence that this was a case warranting favorable consideration. The jail term having been served, and the prisoner having no money with which to pay the fine, the unpaid portion was remitted on April 17, 1922.

John Kotoduzske—Committed from Valley county February 6, 1922, for the crime of abandoning sheep. Sentence—3 months in county jail and fine of \$100.00. The jail sentence having been served, and the prisoner having no money with which to pay his fine, and it being found further that he was in ill health because of tuberculosis, making it undesirable for him to be detained in the jail any longer than necessary, he was given a remission of the fine of \$100.00 on May 8, 1922.

Nathanial Ward—Committed from Powell county September 13, 1921, for the crime of murder in second degree. Sentence—20 to 40 years. On May 8, 1922, he was granted a full and unconditional pardon. This action was taken because there seemed to be extenuating circumstances that were not brought out when the sentence was pronounced. He was a veteran of the Union Army in the Civil War, a member of the Grand Army of the Republic. Because of his advanced age and ill health, his comrades, the Woman's Relief Corps, and others were interested in securing his pardon in order that he would not have to spend his last days in prison, and also that he might become eligible to admittance into the Soldiers' Home.

Harry H. Asner—Committed from Blaine county, November 10, 1921, for the crime of burglarly and prior conviction. Sentence—1 to 2 years. The judge who tried the case, the Supreme Court commissioner who reviewed it, and various citizens of Blaine county so urged executive clemency that an unconditional pardon was granted May 16, 1922.

Henry Carr—On March 24, 1922, upon charge of violation of liquor laws in Lincoln county, sentenced to a term of 30 days in the county jail and a fine of \$300.00. Upon the recommendation of the county attorney and judge, and also physician testifying as to the ill health of the prisoner, a full and unconditional pardon was granted July 25, 1922.

Peter J. Baltzer—Committed from Yellowstone county February 2, 1922, for crime of stealing a suit of clothes. Sentence—2½ to 5 years. He is an ex-service man, served overseas, was wounded and gassed, discharge certificate from army marked "excellent." Pardon granted July 31, 1922.

Jay Brough—Committed from Yellowstone county March 8, 1916, for the crime of grand larceny. Sentence—5 to 10 years. Escaped on October 2, 1920, joined the Navy and was returned January 27, 1921. The evidence shows that his sentence was severe. His record was good and his parents being very old were in need of his assistance. A full and complete pardon granted July 31, 1922.

Thomas Van Buren—Committed from Silver Bow county October 5, 1915, for the crime of robbery. Sentence—3 to 10 years. Escaped November 21, 1916, and returned September 15, 1920. He served more than the minimum sentence originally imposed, and reimbursed the state for his return to the prison. Unconditional pardon granted. December 5, 1922.

Charles Weasel Head—Committed from Glacier county for the crime of assault in the second degree, April 1, 1922. Sentence—1½ to 3 years. Prisoner was in bad physical condition, health failing rapidly as result of tubercular trouble. Wished to return home to spend last days with his family. Full and complete pardon granted December 5, 1922.

#### CONDITIONAL COMMUTATIONS.

M. L. Sargent—Committed from Flathead county, December 15, 1920 for selling intoxicating liquor. Sentence 1 year in county jail and fine of \$150.00. Sargent's family were in destitute circumstances, he was suffering from asthma and enlargement of the heart. On May 18, 1921, he was granted pardon on the condition that he refrain from all traffic in intoxicating liquors and also pay the remainder of the fine imposed upon him by the court.

Gus Norman—Committed from Yellowstone county May 17, 1920, for the crime of burglary. Sentence—1 to 2 years. Three months after entering the prison he escaped and went direct to his home in St. Paul, Minnesota. He was returned February 8, 1921. The family desired the boy, 19 years old, to return home. They reimbursed the state for expense incident to his apprehen-



sion and return after his escape. June 11, 1921, a full pardon was granted on the conditions that Norman should leave the state immediately upon his release and remain without the state; and that his family pay to the Warden of the Prison the sum of \$278.96 to reimburse the state.

Frank Luppino—Committed from Lincoln county, April 11, 1917, for crime of manslaughter. Sentence—3 to 7 years. Paroled April 13, 1919. Later returned for violation of terms of parole. Escaped September 23, 1919; returned two days later. Tried for escape, sentenced to additional term of 1 to 2 years. Luppino served more than the minimum of both terms. While in prison he made commendable progress in securing an education and it is claimed that he has shown evidences of reformation. August 26, 1921, he was pardoned on the condition that he pay the state \$207.00, the amount expended by the state at the time of his return to prison.

Wm. Lemmox—Committed from Flathead county, August 2, 1916, for the crime of burglary. Sentence 1 to 3 years. Escaped November 20, 1916, returned February 9, 1920. Lemmox is a young man, a Canadian subject, and his parents were anxious to take him back to their home. He served nearly two years for his offense. September 9, 1921, he was granted a pardon conditioned upon his payment of the sum of \$255.00 to the Warden of the Prison, thus reimbursing the state for the expenditure incident to his return to the prison in 1920.

Lyle Burgett—Committed from Custer county, May 18, 1919, for the crime of bigamy. Sentence—18 months to 3 years. Escaped July 14, 1919, returned February 18, 1921. Burgett enlisted in Army. His brother lost his life in France. His father died a few days after hearing of his imprisonment. The mother lives in Illinois and was anxious for his release so that she could take him home. A full pardon was granted September 9, 1921, on the condition that he pay to the Warden the sum of \$185.00, representing the amount expended by the State in securing his return to the prison.

Joseph W. Richardson—Committed from Flathead county, December 28, 1920, for the crime of rape. Sentence—15 to 30 years. On February 17, 1922, sentence was commuted to 2 to 30 years upon the express condition that Richardson be delivered to the Federal authorities and by them deported to Canada and that he shall not return to the State of Montana and that in case he should return to the State he shall be returned to the state prison to serve the remainder of the sentence originally imposed.

#### TRANSFERS.

Frank Schrivner or Ora Alvin Schrivner—Committed from Yellowstone county, July 13, 1921, for the crime burglarly. Sentence—5 to 10 years. The sentence was commuted on October 13, 1921, so that the prisoner might serve the unexpired portion of his sentence in the State Industrial School where he might be given the benefit of the training afforded at the institution designated by law for youthful offenders, Schrivner having not yet reached the age of sixteen years.

Drol Lababie—Committed from Yellowstone county, December 25, 1921, for the crime of burglary, first degree. Sentence —7 to 14 years. Applications were made and verified to the effect that Lababie was 17 years of age September 11, 1921, asking that he be transferred to the State Industrial School. This was done June 1, 1922, in accordance with the provisions of Section 12507 of the Revised Codes of Montana, 1921.

Otto Stone—Committed from Yellowstone county, December 25, 1921, charged with burglary in first degree. Sentence—7 to 14 years. Stone was implicated in the same burglary as was Labadie and their sentences were identical. Stone was sixteen years of age when crime was committed. In compliance with application made by his mother, he was transferred to the State Industrial School October 9, 1922, in accordance with provisions of Section 1207 of Revised Codes of Montana, 1921.

Joe Gliko—January 28, 1921, sentenced to serve 90 days in the county jail of Cascade county and to pay a fine of \$200.00, charged with the violation of the



prohibition laws. He has a family to support, owns 640 acres of land on which he owes \$12,000 and has raised no crop on the land for three years. To remain in jail until the expiration of his sentence would have made it impossible for him to get his land ready for seeding. On April 12, 1921, his sentence was commuted by a remission of the fine of \$200.00.

Roy Bridges—Committed from Meagher county, January 19, 1917, for the crime of murder in the second degree. Sentence—10 to 12 years. Because of the youth of Bridges, the fact that he was a model prisoner and also showed indications of having learned well the lesson sought to be impressed upon him by the sentence imposed, his sentence was commuted to eight to twelve years.

J. A. Carter—Charged with bootlegging in Flathead county, Sentence—6 months in county jail and fine of \$300.00. Because of a dependent family and letters urging such action his sentence was commuted on April 30, 1921, to the payment of the fine of \$300.00.

William Buchfinck—Committed from Madison county, December 3, 1920, for crime of grand larceny. Sentence—2 to 4 years. Because of adverse conditions on a dryland farm, Buchfinck killed a calf belonging to another in order to provide himself with food. Because of his needy family and the fact that he was a model prisoner, and also because of circumstances which led to the offense, his sentence was commuted to 1 to 4 years.

R. L. Wyman—Committed from Dawson county, October 13, 1918, charged with sedition. Sentence—6 to 12 years. Wyman has persistently asserted his innocence. Because of his previous good character and excellent record as a citizen and public official, and the heavy punishment given him, his sentence was commuted to 5 to 12 years.

Anton Schaefer—Committed from Fergus county, June 18, 1918, charged with sedition. Sentence—Fine of \$12,000. Many letters from people of influence and position were filed testifying as to Schaefer's industry, and the fact that he was a law-abiding citizen. The evidence in the case indicates that the two principal witnesses who testified in the case were extremely desirous of convicting Schaefer on account of a private quarrel. It is evident that the penalty imposed is out of all proportion to the offense committed. On June 1, 1921, the sentence was commuted from a fine of \$12,000 to one of \$500.

Louis L. Fowler—Committed from Madison county, October 16, 1918, charged with sedition. Sentence—4 to 8 years and fine of \$3000. In support of application for commutation, it was shown that at time of trial Fowler appeared without counsel. Ten of the twelve jurors who tried that case signed a petition asking for commutation. The two other jurors were out of the state and did not sign. Some of the witnesses later signed affidavit certifying that some of the testimony given by them was doubtful. Many petitions and letters were filed in support of the application for commutation. It is shown that Fowler had lived many years in Madison county and was generally known as an honest industrious, public-spirited citizen. On July 1, 1921, the sentence was commuted to the payment of the \$3000 fine.

Roy Montgomery—Committed from Musselshell county, August 29, 1920, charged with the crime of rape. Sentence—4 to 8 years. The presiding judge wrote that if he had secured as complete evidence as he afterwards acquired, he would have been much more lenient in pronouncing sentence. June 3, 1921, his sentence was commuted to 1 to 8 years.

E. V. Starr—Committed from Rosebud county, September 27, 1918, for the crime of sedition. Sentence—10 to 20 years. The judge before whom the case was brought in the Federal Court considered the severe sentence an injustice and that the man was sinned against and that those who accused him should have been punished and not Starr. On June 4, 1921, his sentence was commuted to 5 to 20 years.

O. B. Whitcomb—Committed from Custer county, November 11, 1919, for forgery. Sentence—5 to 10 years. Whitcomb and another were charged jointly for forgery. The other man it seems was the moving spirit in the crime, but he received a suspended sentence. Many friends and neighbors of Whitcomb's joined in asking for commutation of his sentence. On June 13, 1921, the sentence was commuted to 3 to 6 years.

George Perry—Committed from Fallon county, December 29, 1920, for the crime of burglary. Sentence—1 to 2 years. This man and his brother were jointly charged with breaking into a granary and stealing five or six sacks of barley. Many of his neighbors joined in petitioning for clemency and as this was a case where it seemed the benefit of the parole law might well be extended the sentence was commuted to 6 months to 1 year, June 13, 1921.

John Perry—Committed from Fallon county, December 29, 1920, for the crime of burglary. Sentence—1 to 2 years. The circumstances were the same in the case of John Perry as in that of George Perry. This sentence was also commuted on June 13, 1921, to a term of 6 months to 1 year.

Arthur McNary—Committed from Musselshell county, March 24, 1920, for crime of rape. Sentence—10 to 25 years. McNary was only seventeen years of age at the time of his sentence. Many appeals were made for clemency. His sentence was commuted on June 13, 1921, to 2 to 4 years.

Frank C. Hall—Committed from Missoula county, March 18, 1917, for crime of rape. Sentence—14 to 28 years. Numerous petitions were submitted on his behalf and on June 13, 1921, sentence was commuted to 8 to 16 years.

Andrew H. Brennick—Committed from Prairie county, December 1, 1919, charged with grand larceny. Sentence—10 to 20 years. Letters and petitions certifying that there were a good many extenuating circumstances in the case were filed. The ten year sentence was considered excessive. Sentence was commuted June 13, 1921, to 2 to 4 years.

Chas. R. Barr—Committed from Glacier county, March 27, 1921, for the crime of burglary. Sentence—1 to 2 years. After four years of crop failure on a dry land homestead, Barr was driven to desperation and stole a quantity of groceries from a box car to relieve the wants of his family. It was thought best to give him opportunity to rehabilitate himself before the summer was over and his sentence was commuted June 13, 1921, to 6 months to 2 years.

Paul Schailzel and Mike Schailzel—Sentenced on May 21, 1921, to a term in Richland county jail of four months each and a fine of \$200 each for a crime of petty larceny. To give favorable consideration to the application for clemency seemed an act of simple justice. These men had put in a total of 500 acres of crops just before their arrest and there was no one to care for the crop after they left. Numerous petitions were filed in their behalf. The sentence was commuted on June 22, 1921, to one one month in the county jail and the payment of a fine of \$200 each.

Willie Roberts—Committed from Blaine county, May 4, 1920, charged with manslaughter. Sentence 5 to 10 years. Roberts was jointly charged with a man 60 years old, while he was only 16. The older man was acquitted. Upon the recommendation of the judge, who heard the case, and the warden, his sentence was commuted on July 15, 1921, to 2 to 4 years.

Oscar Rogers—Committed from Wheatland county, January 17, 1917, for the crime of murder. Sentence—15 to 20 years. The judge, who presided at the trial, expressed the belief that while Rogers was technically guilty of murder, he had no part in the killing, and recommend clemency, which was granted on July 22, 1921, the sentence being commuted to 8 to 16 years.

Colen Quenton Currie—Committed from Yellowstone county, December 22, 1920, charged with felony. Sentence—4 to 8 years. Currie was 21 years of age at the time of his sentence. Because of his failing health and the desire of his relatives to have him go to Chicago where they might give him all the assistance possible, his sentence was commuted August 16, 1921, to 1 to 2 years.

Stephen Byrne and Theodore Chronopoulos—Committed to Silver Bow county jail December 19, 1919, for the crime of murder. Sentence death. Crime committed by five men. Each given separate trials. One was acquitted, two were sentenced to life imprisonment and these to death penalty. The evidence indicated that all five men were equally guilty for the crime committed. Because it seemed unjust to administer justice in this unequal manner, the sentence of Byrne and Chronopoulos was commuted on August 18, 1921, to life imprisonment.

Wm. Vitalis—Committed from Powder River County, February 19, 1921, for burglary. Sentence—2 to 4 years. The crime was committed jointly with Sam-



uel Beach. These two were little more than boys and it seemed that they had acted under the direction of some older person. Believing that Vitalis had been sufficiently punished, his sentence was commuted on August 29, 1921, to 1 to 2 years.

Samuel Beach—Committed from Powder River county, February 19, 1921, for burglary. Sentence—2 to 4 years. This crime was committed jointly with Vitalis, and for the same reasons as in his case, the sentence was on August 29, 1921, commuted to 1 to 2 years.

Richard Manley—Committed from Musselshell county, January 30, 1921, for burglary. Sentence—2 to 4 years. Because of the prisoner's youth and the recommendation of the county attorney, his sentence was commuted on August 29, 1921, to 1 to 2 years.

Charles Goar—Committed from McCone county, October 9, 1920, for grand larceny. Sentence—4 to 8 years. Acting upon the recommendations of the judge, county attorney and warden, and because of Goar's ill health, the sentence was commuted September 13, 1921, to 2 to 4 years.

O. A. Blackburn—Committed from Ravalli county, June 18, 1921, for burglary. Sentence—2 to 4 years. Because of certain extenuating circumstances, Blackburn's dependent family, his good reputation prior to this trouble, and the recommendations of the officials who prosecuted and sentenced him, the sentence was on September 13, 1921, commuted to 6 months to 2 years.

George E. Beach—Committed from Missoula county, March 9, 1920, for forgery. Sentence—4 to 8 years. Because of his excellent record in the prison and his efficient service as record clerk in the prison office, his sentence was commuted September 21, 1921, to 2 to 4 years.

D. E. Cooper—In Yellowstone county, for the crime of grand larceny, was given a suspended sentence of 3 to 6 years. Later in Musselshell county he violated his parole and on April 14, 1921, was committed to the State Prison. Because of his good record as a prisoner, and because he gave every promise of reformation, and also acting upon the recommendation of the judge who presided in the case, the sentence was commuted September 21, 1921, to 1 to 2 years.

Martin Ferkovich—Committed from Musselshell county February 22, 1919, for sedition. Sentence—10 to 20 years. Letters from Ferkovich's former employers indicate that prior to conviction he was a hard working, law-abiding, peaceful citizen. After his arrival at the prison he worked on the outside almost continuously. He had wife and three children in need of his support. On October 3, 1921, his sentence was commuted to 3 to 10 years.

John Vernon Gephart—On July 6, 1921, in Mineral county, convicted of violation of prohibition law and sentenced to 10 days in county jail and to pay a fine of \$25. His employers and others certified to his good reputation for sobriety, and for being a hard-working law-abiding citizen. Gephart desired to keep his record clean and gave assurance that he would not again offend. His sentence was commuted to a fine of \$25.

James Spanos—Committed from Custer county on October 20, 1918, for crime against nature. Sentenced—25 to 50 years. Upon the urgent recommendations of the judge and the county attorney, sentence was commuted to 4 to 25 years on October 11, 1921.

Fred Van Norstren—Committed from Gallatin county on June 27, 1918, for crime of rape. Sentence—12½ to 25 years. Because of the fact that Van Norstren was in ill health, and acting upon the recommendations of the judge, county attorney and warden, his sentence was commuted October 11, 1921, to 4 to 25 years.

Steve Worley—Committed from Yellowstone county on January 18, 1921, for grand larceny. Sentence—3 to 6 years. Acting upon the recommendations of the judge, county attorney and warden, sentence was commuted October 24, 1921, to 1 to 6 years.

Mike Renick—Committed from Musselshell county on February 5, 1921, for crime of robbery. Sentence—2 to 4 years. At the time crime was committed, Renick, was under influence of liquor. He is a hard worker and has a dependent



family. Upon the recommendation of the judge and county attorney, his sentence was commuted on October 24, 1921, to 1 to 2 years.

T. M. Wiley—Committed from Ravalli county, June 18, 1921, for crime of burglary. Sentence—2 to 4 years. Wiley has been a good prisoner, and because of work performed at the prison, a dependent family and the fact that the C. M. & St. P. Ry. Co. had a position waiting for him, his sentence was commuted on November 2, 1921, to 1 to 2 years.

E. J. Vicain—Committed from Gallatin county December 9, 1920, for passing a worthless check. Sentence 6 to 14 years. At the prison he was given a clerical position and later became finger print expert and photographer. The Warden stated that he improved every moment of his time while in the prison. His sentence was commuted November 10, 1921, to 2 to 14 years.

Ray A. Cobban—Committed from Deer Lodge county, June 27, 1920, for grand larceny. Sentence 4 to 8 years. Believing that the ends of justice had been served in this case and in order that Cobban might be given the benefit of the parole law, the sentence was commuted November 10, 1921.

Eben Peterson—Committed from Blaine county, March 12, 1921, for crime of grand larceny. Sentence—3 to 6 years. From a review of the letters in the file, it would seem that the length of time already served had been sufficient. The sentence was commuted November 21, 1921, to 1 to 3 years.

Robert E. Copple—Committed from Yellowstone county, July 9, 1921, for robbery. Sentence—7½ to 15 years. Because of the youth of the prisoner, and believing that the ends of justice might be best served by paroling him into the custody of his father, his sentence was commuted November 22, 1921, to 1 to 8 years.

Henry Stein—On February 17, 1919, for violation of the prohibition law in Custer county, sentenced to serve four months in county jail and pay a fine of \$300. There being a grave doubt as to the guilt of Stein, and he being in a bad physical condition, his sentence was commuted to a payment of the fine, on November 30, 1921.

Peter Paine—On February 4, 1921, for violation of the prohibition law in Flathead county, sentenced to serve 4 months in the county jail and pay a fine of \$300.00. A petition signed by many people of Flathead county asked for clemency because of the ill health of Paine's wife and his sentence was commuted December 2, 1922, to the payment of the fine.

Robert L. Rowell—On December 17, 1921, for violation of prohibition law in Cascade county, sentenced to 90 days in county jail and to pay a fine of \$200. Acting upon petitions testifying to the previous good record of Rowell and the destitute circumstances of his family, his sentence was commuted January 4, 1922, to one month in the county jail and suspending the fine.

Arthur D. Prouty—Committed from Lewis & Clark county, June 23, 1921, for attempting rape. Sentence—10 to 20 years. Because of extenuating circumstances that made it appear that the penalty was too severe, the sentence was commuted January 18, 1922, to 1 to 10 years.

W. J. McLaren—Committed from Ravalli county, June 17, 1921, for the crime of burglary. Sentence—2 to 4 years. In all the circumstances it appeared that McLaren had been sufficiently punished and on January 21, 1922, his sentence was commuted to 1 to 4 years.

Clinton Shaver—Committed from Phillips county, February 25, 1921, for burglary in second degree. Sentence—2 to 4 years. As a reward for good conduct and industry, his sentence was commuted February 1, 1922, to 18 months to 4 years.

Assed Juhrey—On December 11, 1920, in Silver Bow County, verdict fixed at death for murder. There were filed in support of application for clemency, many petitions and letters, the former having been signed by several thousand. One petition was signed by eight of the jurors. The records led to the conviction that the crime committed did not carry any of the elements of deliberate premeditated murder in the first degree. On February 14, 1922, the sentence was commuted to life imprisonment.

John Henry Sieben—Committed from Blaine county, March 30, 1919, for grand larceny and prior convictions. In consideration of Sieben's advanced age, and as a reward for his good conduct and faithful service, his sentence was commuted on February 14, 1922, from that of not less than 10 years nor more than 20 years to one of not less than 5 years nor more than 10 years.

Charles Faulkner—Committed from Silver Bow county, June 13, 1920, for statutory rape. Sentence—25 to 50 years. Because of past good record, the needs of a dependent family, and as a reward for his industry, his sentence was commuted March 1, 1922, to 6 to 50 years.

Stephen Loomis—Committed from Dawson county, November 12, 1918, for statutory rape. Sentence 10 to 20 years. His previous reputation and his record in the prison were good. Acting upon the recommendation of the Warden, the county attorney and judge, his sentence was commuted March 1, 1922, to 6 to 20 years.

Peter Mills—Committed from Flathead county, December 2, 1917, for the crime of statutory rape. Sentence—12 to 25 years. In consideration of the fact that Mills was 69 years of age, and acting upon recommendations from the warden, county attorney and judge, the sentence was commuted March 1, 1922, to eight to 25 years.

Everett Simmons—On charge of assault in third degree, in Flathead county, sentenced on December 8, 1921, to serve six months in county jail and pay a fine of \$300. Simmons' family was destitute, and as he had served a substantial portion of his term, it seemed that more good could be accomplished by giving him his liberty than by compelling him to serve his full term. Accordingly, his sentence was commuted March 22, 1922, to 4 month and the payment of the \$300 fine.

H. S. Jones—Committed from Dawson county, January 29, 1922, for transporting intoxicating liquors. Sentence—8 to 16 months and fine of \$500. In order that Jones might be given the benefit of the parole law and thereby return to his farm before too late to put in his crop, the sentence was commuted April 8, 1922, to 4 to 15 months and the payment of his fine.

Thomas Mortell—Committed from Roosevelt county, December 6, 1921, for the crime of rape. Sentence—2 to 4 years. Because of the recommendations that were submitted and the prisoners physical condition, his sentence was commuted April 8, 1922, to 1 to 4 years.

Barney Beyerle—On February 28, 1922, in Cascade county, on charge of manufacturing intoxicating liquors, sentenced to serve 90 days in county jail and pay a fine of \$200. Beyerle was a man of 61 years of age, a dry land farmer, having a wife and three young children. It seems that adverse conditions led to the crime. The district judge and county attorney recommended clemency and on May 8, 1922, his sentence was commuted by remitting the fine of \$200.

Lawrence McCoy—Committed from Silver Bow county, June 5, 1922, for burglary. Sentence—20 to 40 years. As a reward for his good record as a prisoner and as there seemed to be some question as to his guilt, the sentence was commuted June 5, 1922, to 5 to 10 years.

Harley E. Showen—On October 4, 1921, in Fergus county, on charge of selling intoxicating liquor, sentenced to one year in county jail and \$300 fine. Upon the recommendation of the district judge, county attorney and numerous petitioners, the sentence was commuted on June 23, 1922, to the payment of his fine.

Frank Ward—Committed from Silver Bow county, March 1, 1919, on charge of robbery. Sentence—8 to 16 years. In view of the letters submitted in his favor, sentence was commuted on July 31, 1922, to 7 to 10 years.

Charles R. Curd—Committed from McCone county, September 9, 1920, charged with grand larceny. Sentence—4 to 8 years. Upon recommendation of the district judge, county attorney, warden and parole officer, the sentence was, on July 31, 1922, commuted to 2 to 8 years.

George Van Laningham—Committed from Custer county, March 15, 1917, upon charge of murder in first degree. Sentence—Life Imprisonment. The vol-

uminous testimony on file indicates a strong doubt as to Van Laningham's guilt. His sentence was commuted July 31, 1922, to 10 to 15 years.

Richard Pethick—Committed from Silver Bow county, December 20, 1918, for second degree murder. Sentence—10 to 20 years. As a reward for faithful service and good prison record, his sentence was commuted July 31, 1922, to 10 to 20 years.

John M. Usher—Committed from Dawson county, July 5, 1918, for the crime of statutory rape. Sentence—12 to 30 years. As a reward for faithful service and good prison record, his sentence was commuted July 31, 1922, to 8 to 15 years.

James D. Usher—Committed from Dawson county, July 31, 1918, for the crime of statutory rape. Sentence—17 to 14 years. Upon the recommendation of the district judge and county attorney, and in view of his faithful service and good record, his sentence was commuted on July 31, 1922, to 8 to 20 years.

Elmer E. Freeman—Committed from Carbon county, July 31, 1922, for the crime of statutory rape. Sentence—25 to 50 years. Upon the recommendation of the district judge, the county attorney, the present and former warden, and the parole commissioner, and because of the advanced age of the prisoner, his sentence was commuted July 31, 1922, to 8 to 20 years.

Fred Dearborn—Committed from Beaverhead county, January 27, 1919, for the crime of forgery. Sentence—10 to 20 years. Dearborn forged a check for \$18. Upon the recommendation of the district judge and county attorney, the sentence was commuted on July 31, 1922, to 2 to 4 years.

Edward E. Rollins—Committed from Madison county, May 5, 1920, for the crime of grand larceny. Sentence—6 to 12 years. In the belief that the prisoner had been sufficiently punished, on July 31, 1922, his sentence was commuted to 4 to 12 years.

Thomas "Buddy" Ryan—Committed from Silver Bow county, March 20, 1916, for the crime of murder in first degree. Sentence—life imprisonment. Ryan had a wife and children dependent upon him. His record had been good and executive clemency was urged by various officials and others. On July 31, 1922, his sentence was commuted to 12 to 20 years.

Bert Sturgis—Committed from Richland county, December 20, 1921, for the crime of assault in second degree. Sentence—2 to 4 years. In the belief that the interests of justice had been served in the case, and because of the dependent family of Sturgis, his sentence was commuted on August 31, 1922, so as to make him eligible for immediate parole.

Leon Hill—Committed from Flathead county, May 11, 1921, for the crime of perjury. Sentence—5 to 12 years. As a reward for his industry and his good record, and because he was just a boy, Hill's sentence was commuted October 9, 1922, to 2½ to 12 years.

John R. Howard—Committed from Yellowstone county, February 2, 1922, for the crime of burglary. Sentence—2½ to 5 years. In view of the fact that Howard was a model prisoner, and on account of the illness of his father and his need at home in Iowa, on October 9, 1922, his sentence was commuted to 1½ to 5 years.

Paul Gerge—Committed from Silver Bow county, May 28, 1921, for the charge of attempted rape. Sentence—20 to 40 years. There was serious doubt as to George's guilt, he was a model prisoner and his health was poor. For these reasons his sentence was commuted on October 9, 1922, to 3 to 10 years.

Andrew Iar—Committed from Musselshell county September 8, 1921, for crime of robbery. Sentence—5 to 10 years. He had a wife and six children. The county attorney considered the sentence too severe. The Warden reported that he gave splendid service to the state. October 9, 1922, his sentence was commuted to 2 to 5 years.

Thomas H. Stagges—Committed from Silver Bow county, February 14, 1917, for crime of robbery. Sentence—25 to 50 years. Staggs had served two years longer than his copartner in the crime. As a matter of justice and because of his advanced years, his sentence was commuted to 11 to 25 years.



Hoty Wade—Committed from Cascade county, December 21, 1921, for the crime of statutory rape. Sentence—2 to 5 years. As a reward for his industry and previous good character, his sentence was commuted on October 10, 1922, to one and one-half to three years.

Charles Evans—Committed from Sheridan county, October 12, 1921, for the crime of grand larceny. Sentence—5 to 10 years. Upon the recommendation of the district judge and the warden, his sentence was commuted on November 10, 1922, to 18 months to 10 years.

Frank Duggins—On February 14, 1922, sentenced to serve 60 days in county jail of Flathead county and pay a fine of \$1500, for violation of the prohibition law. He served 9 months in the county jail. Because of the serious ill health of the prisoner's wife, and recommendations from a number of officials, the sentence was commuted on November 20, 1922, to a payment of \$450 and 60 days imprisonment.

Harry A. Devon—Committed from Lincoln county, November 8, 1913, for the crime of murder in the second degree. Sentence—life imprisonment. Upon the recommendation of the district judge, the county attorney, and the warden, the sentence was commuted on December 4, 1922, to 18 to 25 years.

John Hendricks—Committed from Flathead county, for crime of burglary by use of high explosives, April 3, 1917. Sentence—15 to 30 years. As a reward for faithful service and good conduct, and acting upon the recommendation of the district judge, the county attorney and the warden, his sentence was commuted December 4, 1922, for a term of 10 to 20 years.

Gorge Popa—Committed from Valley county, for a second degree murder, July 28, 1917, for a term of 15 to 30 years. He was recommended by the district judge for executive clemency. His record during his incarceration was most commendable. For these reasons his sentence was commuted on December 4, 1922, to 10 to 20 years.

Steve Gaydash—Committed from Yellowstone county, August 4, 1921, for the crime of grand larceny. Sentence—5 to 10 years. Acting upon the recommendation of the district judge, the county attorney and the warden, his sentence was commuted on December 4, 1922, to 2 to 10 years.

James McConville—Committed from Carbon county, October 20, 1921, for the crime of rape. Sentence  $7\frac{1}{2}$  to 15 years. As a reward for faithful and efficient service, and in consideration of the petitions, one of which was signed by eleven of the twelve jurors, his sentence was commuted to 2 to  $7\frac{1}{2}$  years, on December 4, 1922.

Frank Burns—Committed from Silver Bow county, December 22, 1918 for the crime of burglary. Sentence—22 to 44 years. Various officials as well as the man whose place Burns was alleged to have burglarized urged executive clemency. On December 4, 1922, the sentence was commuted to 8 to 16 years.

John D. Gardner—Committed from Daniels county, June 3, 1922, for the crime of forgery. Sentence 2 to 4 years. Believing that the ends of justice had been met in this case and in view of the recommendations on file, the sentence was commuted on December 21, 1922, to 1 to 2 years.

#### COMPARATIVE STATEMENT OF PARDONS AND COMMUTATIONS OF SENTENCE FOR THE YEARS 1919-1920 AND THE YEARS 1921- 1922

Crime—	1919-1920	1921-1922
Murder, 1st degree .....	7	5
Murder, 2nd degree .....	22	5
Manslaughter .....	7	2
Assault, 1st degree .....	7	2
Assault, 2nd degree .....	4	2
Assault, 3rd degree .....	2	1
Forgery .....	3	6
Robbery .....	38	29
Grand Larceny .....	27	16

Petit Larceny .....	1	1
Rape .....	24	18
Violation prohibition law .....	4	14
Bigamy .....	1	1
Crime against nature .....	1	1
Mayham .....	1	—
Obtaining money under false pretenses .....	1	—
Felony .....	1	1
Perjury .....	3	1
Sedition .....	—	1
Contributing to delinquency of minor .....	—	1
Abandoning sheep .....	—	1
Passing worthless check .....	—	1
Total .....	155	115' "

Moved by Gullidge, duly seconded and carried that the House resolve itself into a committee of the whole for the consideration of amendment to House Bill No. 40.

Wold in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole, having had under consideration House Bill No. 40, respectfully report back with the recommendation that House Bill No. 40 to be amended as follows:

Subdivision 4 of Section 2 by striking out the words: "out side this state" in line 25, and when so amended do pass.

WOLD, Chairman."

On motion of Wold, report adopted.

The Committee on Printing reported as follows:

Helena, Montana, February 8, 1923.

"Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bills Numbers 19-111-164, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman."

Moved by Kinville, duly seconded and carried that the House adjourn until Friday, February 9, at 10:30 A. M.

CALVIN CRUMBAKER, Speaker.

Attest: JAMES A. SHOEMAKER, Chief Clerk.

## FORTIETH DAY

House of Representatives,  
February 9, 1923.

House convened pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Upon roll call all members present except: Cowley, Gillette, Fulsher and Peden, excused.

The Committee on Juornal reported as follows:

"Mr. Speaker:

We, your Committee on Journal, having this day examined the Journal for the 39th Legislative day and found the same correct, except as to the vote of Wold on the report of the Committee of the Whole relative to H. B. No. 62, which was recorded "Aye" and should be "No." It has been so corrected.

ZUCK, Vice-Chairman."

Report adopted.

The Committee on Engrossment reported Sub. H. B. No. 43 and Sub. H. B. No. 28 correctly engrossed.

Mr. Speaker named Cronk, Chairman, and Buttleman, as members of a committee of two to investigate property at Deer Lodge.

## COMMUNICATIONS AND PETITIONS.

### COMMUNICATIONS FROM THE SENATE.

Mr. Speaker :

"Helena, Montana, February 8, 1923.

I am directed by the Senate to inform your Honorable Body that House Bill No. 27 introduced by Brandjord was reported out of the Committee on Constitutional Amendments and recommended that the same be not concurred in, report adopted and is herewith returned to the House.

Very respectfully,

J. F. CONE, Secretary of the Senate."

Mr. Speaker :

"Helena, Montana, February 8, 1923.

I am directed by the Senate to inform your Honorable Body that the following Senate Bills were this day read third time and passed, title agreed to and are herewith transmitted to the House for concurrence.

Senate Bill No. 53 by Lowe.

Senate Bill No. 63 by Hazelbaker.

Senate Bill No. 67 by Kane.

Senate Bill No. 69 by Greenup.

Senate Bill No. 73 by Committee on Stock Growing and Grazing.

Senate Bill No. 74 by Committee on Stock Growing and Grazing.

Senate Bill No. 77 by Oliver.

Senate Bill No. 78 by Oliver.

Senate Bill No. 81 by Committee on Stock Growing and Grazing.

Senate Bill No. 92 by Greening.

Senate Bill No. 96 by Greening.

Senate Bill No. 99 by Henderson.

Senate Substitute for Senate Bill No. 56, introduced by Committee on Judiciary.

Very respectfully,

J. F. CONE, Secretary of the Senate."

Mr. Speaker :

"Helena, Montana, February 8, 1923.

I am directed by the Senate to inform your Honorable Body that the Committee on Taxation, to whom was referred following Senate Bills, report as follows :

Senate Bill No. 128, introduced by Porter, recommend that same do pass.

Senate Bill No. 107, introduced by McQuitty, recommend that same do pass.

Senate Bill No. 131, introduced by Church, recommend that Bill do not pass.

Very respectfully,

J. F. CONE, Secretary of the Senate."

Moved by Boorman, duly seconded and carried that the following Senate Communications be considered read at length.

Mr. Speaker :

"Helena, Montana, February 8, 1923.

I am directed by the Senate to inform your Honorable Body that the Committee on Counties and Towns, to whom was referred following Senate Bills report as follows :

Senate Bill No. 86, introduced by Dowlin, recommend that same do pass.

Senate Bill No. 93, introduced by Haley, recommend that same do pass.

Senate Bill No. 100, introduced by McCone, recommend that same do pass.

Senate Bill No. 102, introduced by Cooper, recommend that same do pass.

Senate Bill No. 119, introduced by Walker, recommend that same do pass.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 8, 1923.



Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Standing Committees this day report as follows:

Committee on Taxation, House Bill No. 103, introduced by Bricker, "An Act to amend Section 1215 of the Revised Codes of Montana of 1921, relating to the time County Assessor to report valuation school districts." Recommend that it be concurred in.

Committee on Judiciary, House Bill No. 27, introduced by Brandjord, "An Act to submit to the qualified electors of the State of Montana an amendment to the Constitution of the State of Montana, adding thereto a new Article providing for the acceptance and administration by the State of gifts, donations, grants and legacies for the creation of a State Permanent Revenue Fund, for the creation of a State Permanent School Fund, for the creation of a Permanent Revenue Fund for the University of Montana and for the benefit of other useful, benevolent and worthy objects; and authorizing the State to administer other funds together with those hereinbefore indicated."

Recommend that said bill be not concurred in.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"February 8, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Senate Bills were this day introduced, read first and second times and referred to the following committees:

Senate Bill No. 139, introduced by Hazelbaker, Kirton and Healy: "A Bill for an Act entitled: 'An Act to amend Section 1202 of the Revised Codes of Montana 1921, relating to the Common School Funds of counties and the apportionment thereof.'"

Referred to Committee on Education.

Senate Bill No. 140, introduced by Committee on Banks and Banking, "A Bill for an Act entitled: An Act placing under the supervision of the State Examiner all corporations within the State doing a business similar to that of a building and loan association, and making applicable thereto the building and loan association laws of the State and defining the powers of such corporations."

Referred to Committee on Banks and Banking.

Senate Bill No. 141, introduced by Lowe; "A Bill for an Act entitled: An Act to permit a special deputy sheriff appointed to serve without salary to retain fees."

Referred to Committee on Judiciary.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 8, 1923

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Senate Bills were this day introduced, read first and second times and referred to committees as follows:

Senate Bill No. 142, introduced by Demel: "An Act amending Sections 9485 and 9587 of the Revised Codes of the State of Montana of 1921 relating to quieting title to real estate."

Referred to Committee on Judiciary.

Senate Bill No. 143, introduced by Committee on Public Morals, Charities and Reform: "An Act to amend Section 3202 of the Revised Codes, providing a penalty."

Referred to Committee on Public Morals.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Senate Chamber, February 8, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following notices were this day given:

By Cowan: 'An Act relating to irrigation districts organized under Chapter 153 Session Laws 1921, and amending and reenacting Sections 3956, 3960, 3965, 3969, 3970, 3973, 3974, 3975, 3990, 4014, of the Revised Codes of Montana, 1921, which relates to the procedure for organizing said irrigation districts, and examination and report of the Public Service Commission thereon, the meeting of directors of said districts and the election of officers of the board, providing for the formulation of the plan of reclamation of said districts and the final report of the Public Service Commission thereon, and fixing the form and terms of the bonds of said districts and prescribing that the same, when certified by the Public Service Commission, shall be legal investments, providing for the delivery of bonds of said districts to contractors in lieu of sale, or for sale of said bonds, fixing the time for payment of said bonds and prescribing the lien thereof, providing for the determination of the amount of the annual assessment for sinking fund and other purposes, providing for the determination of the annual administrative expenses and levy and collection thereof, fixing the limitations on the power of the directors to incur indebtedness, prescribing the method for the election of the directors of said district and for the organization of said directors as a board, and authorizing the State Land Board to sign petitions for the inclusion of state lands in irrigation districts organized under this Act and to pay assessments therefor out of any funds belonging to said Board not otherwise appropriated.

By Mears: 'An Act relating to irrigation district, and to transfer to, confer upon and vest in the State Engineer of the State of Montana all the rights, privileges, powers and duties now conferred upon, granted to or vested in the Montana Irrigation Commission, the Secretary of the Montana Irrigation Commission, the Public Service Commission of the State of Montana, the Secretary of the Public Service Commission of the State of Montana, the Chief Engineer of the Montana Irrigation Commission and of the Public Service Commission of Montana under and by virtue of Chapter 13 of Montana Session Laws, Extraordinary Session of 1919, and Chapter 153 of Montana Session Laws of 1921, all as appearing in Sections 3947 to 4025 of the Revised Codes of Montana of 1921, both Sections inclusive excepting Section 3968 thereof, and amending and reenacting said Section 3968 by providing that any irrigation district organized under said Chapter 163 may have the Attorney General, the State Engineer and the State Examiner examine into and report upon the legal physical and financial features of the district and the Secretary of State certify to the bonds of the district, all under and as provided in Chapter 236 of the Montana Session Laws for 1921, the same being Sections 7216 to 7225 of said Revised Codes.

By Mains: 'An Act relating to school bonds and authorizing the issuance of funding school bonds in payment for borrowed money and to take up outstanding warrants.'

By Page and Haley: 'An Act to repeal Sections 671, 672, 673, 674, 675 and 676 of the Revised Codes of Montana of 1921, these Sections now being what was Initiative Measure entitled "A Bill to propose by initiative petition a law to provide for the expression by the people of the State of Montana of their preference for party candidates for president and vice president of the United States, the election of delegates to presidential conventions and the nomination of presidential electors by direct vote," initiated and passed by the people of the State of Montana at the general election of 1912.'

By Pomeroy: 'An Act to require Clerks of District Courts to keep indexes of bonds in criminal actions.'

By Clarke: 'An Act relating to the redemption of property sold for delinquent taxes.'

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 8, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Standing Committees this day reported as follows:

Committee on Fish and Game, Senate Bill No. 122, introduced by Rhoads; Amend by striking out in line 4, of Section 2, the words 'Carry or,' and also in line 11 the words, 'Or for carrying fire arms.'

And as so amended recommend that bill do pass.

Committee on Irrigation and Water Rights, Senate Bill No. 113, and recommend that same be amended.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 8, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 53 on motion taken from calendar for third reading was referred to Committee on Finance and Claims.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"February 8, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee on the Whole to whom was referred business on general file, having had the same under consideration, recommend as follows:

That Senate Substitute for Senate Bill No. 105, be amended Section 2, by striking out in line 3, after the word 'Members,' the words, 'Who shall receive no salary,' and inserting in line 6 after the word, 'Expenses,' the words, 'And a per diem of Six (\$6.00) dollars per day. Amend Section 2, by striking out in line 3, the comma, (,) and the word 'and.' Preceding the words 'Who shall be appointed.' Amend Section 2, by adding in line 5 after the word 'The' and preceding the word 'Members,' the word 'Other.' Amend Section 2, by adding in line 5 after the words, 'Per year,' the words 'and traveling expenses.' Amend Section 4 by adding to the section and at the end thereof the following sentence, to-wit:— 'They shall have supervision and control over the County surveyors and their assistants in all of the counties of the state now existing or hereafter created in all matters necessary to comply with the provisions of the Federal Aid Act in the respective counties.' Amend Section 5 by striking out in line 2, the word 'To' and adding after the word Montana in line 3 the word 'To.' Amend Section 5 by adding to the section and at the end thereof the following sentence to-wit:— 'And is also authorized to co-operate with the Secretary of Agriculture and the Department of the Interior of the United States in construction of public highway within Indian and other reservations in Montana' and as so amended recommend that same do pass.

That Senate Bill No. 64 be amended. Amend Section 2 by striking out in line 8 the words, '30 days,' and inserting in lieu thereof, the words '90 days.' Amend Section 2, by adding to the section and at the end thereof the following sentence to-wit:— 'Nothing herein shall be so construed as to prevent the county treasurer from collecting taxes due on personal property by seizure and sale thereof at any time after the expiration of the 90 days period hereinbefore mentioned.' Amend Section 2 by inserting in line 18 before the word collection, the word prefix, 'Non' and as so amended recommend that bill do pass.

That House Bill No. 50 be amended, Section 1, by striking out in line 21 the word 'And' at the beginning of said line and inserting in lieu thereof the word 'To,' and as so amended recommend that same be concurred in.

That House Joint Memorial No. 4 and recommend that same be concurred in.

That House Bill No. 65 be amended, Section 1, by striking out in line 2 and 3, the words, 'Or otherwise in control of the same,' and also in lines 5 and 6, the words 'Or otherwise in control of such vehicle,' and inserting in line 2, after the word 'operating,' the word, 'Or' and also inserting in line 5 after the word "operating" the word, 'Or.' And as so amended, recommend that same be concurred in.

Very respectfully,

J. F. CONE, Secretary of the Senate."



## OTHER COMMUNICATIONS

"Helena, Montana, February 9, 1923.

To the Members of the House of Representatives:

I cannot trust my voice to orally express to you my gratitude for your beautiful floral symbol and your words and acts of kindness and sympathy to me and mine upon the death of my life companion. I feel that my load is in a measure lightened by your sympathy, and that with such sympathy and kindness from you and from my many other friends, and with the aid of the Divine Healer I will still be able to carry on.

E. H. GOODMAN."

## NOTICES.

Authors gave notice that they will on tomorrow or some subsequent date introduce bills as follows:

By Stoddard: "A Bill for an Act entitled: 'A Bill to amend Section 3688 of the Revised Codes of Montana, 1921, relating to form and contents of hunting and fishing licenses'."

By Caplis: "A Bill for an Act entitled: 'An Act to license and regulate the business of making loans in sums of \$300 or less, secured or unsecured, at greater rate of interest than 36 per centum per annum, prescribing the rate of interest and charge therefor, and penalties for the violation thereof'."

By Bray: "A Bill for an Act entitled: 'An Act to create a game preserve in Sweet Grass County to be known as the Crazy Mountain Game Preserve'."

By Pope: "A Bill for an Act entitled: 'An Act relating to and to regulate the granting of new trials and the reversal and setting aside of judgments in criminal cases'."

By Joffray: "A Bill for An Act entitled: 'An Act appropriating money for the purchase of farm land to be used in connection with the operation of the Montana School for the Deaf and Blind'."

By Smethurst: "A Bill for an Act entitled: 'An Act creating a laborer's lien, on the products of his labor and upon the property of his employer, for such work and labor and providing for the damages, costs and manner of the enforcement of such laborer's lien'."

By Stoner: "An Bill for an Act entitled: 'An Act regulating the number of persons to be engaged or employed in the different kinds of labor, work and services in an underground mine, or working, which is operated or worked through a shaft more than three hundred feet deep, or which is operated or worked through a tunnel more than four hundred feet from the mouth or portal of such tunnel, and providing penalties for the violation thereof'."

By Ruffcorn, Swift, Facey, Strange, Holton, Hanson and Kenyon: "A Bill for an Act entitled: 'An Act providing for the imposition, assessment, collection and paying of an income tax on individuals, associations, joint-stock companies, common law companies, business trusts, corporations and insurance companies for the support and maintenance of the public schools of the State of Montana: providing for the apportionment and distribution of such tax in such manner as to make possible the reduction of district special levies for such purpose, the greater equalization of the tax burden and the provision of more nearly equal opportunities in education for children'."

By Bricker: "A Bill for an Act entitled: 'An Act making an appropriation to pay the salaries, compensation and expenses of the assistants and clerks of the Old State Board of Equalization and the office expenses incurred in connection with the work of the old State Board of Equalization during the interim between the adoption of the amendment to Section 15 of Article 12 of the Constitution, December 15, 1922 and the time of the organization of the new State Board of Equalization under such Constitutional Amendment, February 3, 1923'."

## REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received:

"Helena, Montana, February 9, 1923.

"Mr. Speaker:

We your Committee on Public Morals, Charities and Reforms, having had under consideration House Bill No. 180 by Boorman of Cascade and Pope of Missoula, respectfully report as follows:

That House Bill No. 180 be amended as follows:

1. Amend the title to read: "A Bill for an Act entitled: 'An Act amending Sections 11071, 11075, 11079 and 11084, and repealing Sections 11048, 11049, 11050, 11051, 11052, 11053, 11054, 11055, 11056, 11057, 11058, 11059, 11060, 11072, 11095, 11096, 11097, 11098, 11099 and 11104 of the Revised Codes of Montana of 1921, relating to the manufacture, sale and use of intoxicating liquors, and enacting and adding to Chapter 29 of the Penal Code of the Revised Codes of Montana of 1921 a new section, to be numbered and designated as Section 11048A, prohibiting the sale, exchange, gift, barter, or disposal of any ardent spirits, or any compound thereof, capable of use as a beverage, or any ale, beer, wine, or intoxicating liquor of any kind, in the State of Montana, and prohibiting the manufacture, or introduction of any intoxicating liquor into this State, and providing penalties for the violation of this act.'"

2. Strike out all of Section 1 of the bill and insert a new section in lieu thereof, as follows:

There is hereby enacted and included in the Penal Code of the Revised Codes of Montana of 1921 a new section to be numbered and designated as Section 11048A as follows:

'Section 11048A. Ardent spirits, or any compound thereof, capable of use as a beverage, or ale, beer, wine, or intoxicating liquor or liquors of any kind shall not be manufactured or introduced into the State of Montana except as herein expressly provided.

Every person who sells, exchanges, gives, barter, or disposes of any ardent spirits or any compound thereof, capable of use as a beverage, or any ale, beer, wine, or intoxicating liquor of any kind, to any person, persons, or association or corporation in the State of Montana, or who manufactures or introduces into, or attempts to introduce into the State of Montana any ardent spirits or any compound thereof capable of use as a beverage, or any ale, beer, wine or any intoxicating liquors of any kind, shall be guilty of a misdemeanor, and upon conviction shall be punished as provided for in Section 11075 Revised Codes of Montana of 1921 as amended in this act, providing that nothing in this act shall apply to the manufacture or sale of denatured alcohol, nor to wine intended for sacramental purposes, nor to alcohol intended for scientific or manufacturing purposes, nor to medicinal preparations manufactured in accordance with formulas prescribed by the United States pharmacopoeia, national formulary, or the American Institute of Homeopathy that are unfit for use for beverage purposes; nor to patented, patent, and proprietary medicines that are unfit for use for beverage purposes; nor to toilet, medicinal, and antiseptic preparations and solutions that are unfit for use for beverage purposes; nor to flavoring extracts and sirups that are unfit for use as a beverage, or for intoxicating beverage purposes; nor to vinegar and preserved sweet cider.'

3. In line 11, page 3, of Section 2 of the bill, after the word 'container' add the words 'at such place or on such premises.'

4. In Section 3, after the words 'any person,' strike out the words 'violating the provisions of any permit, or who makes any false record, report or affidavit required by any of the laws of Montana relating to intoxicating liquors or' and add the word 'who' before the word 'violates.'

In the same section after the words 'nor more than two years' strike out the words 'and in addition have his license to do business revoked in the case of a manufacturer or pharmacist.'

In the same section strike out the following sentence: "The penalties provided in this act against the manufacture of liquor without a permit shall not apply to a person for manufacturing non-intoxicating cider and fruit juices exclusively for use in his home, but such cider and fruit juices shall not be sold or delivered except to persons having permits to manufacture vinegar."

5. In section 6 after the word 'Sections,' add "11048, 11049, 11050, 11051, 11052, 11054, 11055, 11056, 11057, 11058, 11059, 11060."

When so amended the bill do pass.

FACEY, Chairman."

On motion of Facey, report adopted.

"Mr. Speaker:

We, your Committee on Public Morals, Charities and Reforms, having had under consideration House Bill No. 128, by McCarty, "A Bill for an Act entitled: 'An Act prohibiting the introduction into, the manufacture of, and the giving, exchanging, bartering, selling or disposing of ardent spirits, ale, beer, wine or intoxicating liquors within the State of Montana and providing penalties for the violation thereof,'" respectfully report as follows:

That same do not pass, as the subject matter thereof has been included in House Bill No. 180.

FACEY, Chairman."

On motion of Facey, report adopted.

### INTRODUCTION OF BILLS AND MEMORIALS.

The following Senate Bills were introduced, read first and second times by title and history only and referred to committees as follows:

S. B. No. 53, by Lowe: "A Bill for an Act entitled: 'An Act requiring certain sleighs used in this State by any persons, firms or corporation to be of certain width; and providing a penalty for violating the provisions of this act.'" (Agriculture.)

S. B. No. 63, by Hazelbaker: "A Bill for an Act entitled: 'An Act to amend Sections 4502, 4503 and 4504 of the Revised Codes of Montana of 1921 relating to insect pests, and providing the method of paying expenses of insect pest extermination.'" (Agriculture).

S. B. No. 67, by Kane: "A Bill for an Act entitled: 'An Act to amend Section 8868 Revised Codes of 1921, relating to the disqualification of officers.'" (Judiciary.)

S. B. No. 69, by Greenup: "A Bill for an Act entitled: 'An Act to amend Section 2394 of the Revised Codes of Montana of 1921, relating to the apportionment of the 'gasoline license tax fund,' and repealing Section 2393 of the Revised Codes of Montana of 1921.'" (Highways).

S. B. No. 73, by Committee on Stock Growing and Grazing: "A Bill for an Act entitled: 'An Act to transfer the balance in the 'H. L. Hart, Trustee, Langhorn House Account' fund to the 'Livestock Commission Fund, for the use of the livestock commission.'" (Committee on Ways and Means.)

S. B. No. 74, by Committee on Stock Growing and Grazing: "A Bill for an Act entitled: 'An Act to amend Section 3324 of the Revised Codes of Montana of 1921, relating to inspection of livestock about to be moved from one county to another within the State, and defining the powers of the livestock commission in reference thereto.'" (Committee on Livestock and Public Ranges.)

S. B. No. 77, by Oliver: "A Bill for an Act entitled: 'An Act providing for the payment of filing fees and attorneys' fees in an action for the foreclosure of threshermen's liens and repealing all acts and parts of acts in conflict therewith.'" (Committee on Agriculture.)

S. B. No. 78, by Oliver: "A Bill for an Act entitled: 'An Act amending Section 8370 of the Revised Codes of Montana of 1921, relating to the time in which actions for foreclosure of threshermen's liens may be commenced.'" (Committee on Agriculture.)

S. B. No. 81, by Committee on Stock Growing and Grazing: "A Bill for an Act entitled: 'An Act to amend Section 3341 of the Revised Codes of 1921, relating to the shipment of cattle and the duties of the shipper and of the railroad.'" (Committee on Livestock and Public Ranges.)



S. B. No. 92, by Greening: "A Bill for an Act entitled: 'An Act requiring bank checks to be presented within a year from date thereof.'" (Committee on Banks and Banking.)

S. B. No. 96, by Greening: "A Bill for an Act entitled: 'An Act to amend Section 8412 of the Revised Codes of Montana of 1921, relating to negotiable instruments.'" (Committee on Banks and Banking.)

S. B. No. 99, by Henderson: "A Bill for an Act entitled: 'An Act to amend Section 1760 of the Revised Codes of Montana, 1921, relating to registration fees for motor vehicles and the disposition thereof, and repealing all acts and parts of acts in conflict herewith.'" (Committee on Highways.)

Sub. S. B. No. 56, by Speer: "A Bill for an Act entitled: 'An Act giving to the judges of the district courts of the State of Montana, jurisdiction to sign judgments, decrees, orders to show cause, and all ex-parte orders in chambers anywhere within the State of Montana.'" (Judiciary Committee.)

The following House Bills were introduced, read first and second times by title only, and referred to committees as follows:

H. B. No. 262, by Pope: "A Bill for an Act entitled: 'An Act to provide protection for laborers, material men and sub-contractors, furnishing labor and material for the prosecution of public work; requiring a bond to be furnished by contractors upon public works to secure the performance of their contracts and the payment of laborers, material men and sub-contractors; prescribing certain conditions of such public contracts and permitting action to be brought by laborers, material men and sub-contractors upon such bonds.'" (Committee on Labor.)

H. B. No. 263, by Taylor: "A Bill for an Act entitled: 'An Act to amend Section 1010 of the Revised Codes of Montana 1921 relating to transportation of pupils.'" (Committee on Education.)

H. B. No. 265, by Davis of Wibaux: "A Bill for an Act entitled: 'An Act to amend Section 2235, Revised Laws of Montana, 1921, relating to the sale of unredeemed property for delinquent taxes by county commissioners.'" (Committee on Judiciary.)

H. B. No. 266, by Committee on Dairying: "A Bill for an Act entitled: 'An Act to amend Chapter 202 of the Revised Codes of Montana of 1921 by adding thereto one new section to be known as Section 2623 (A), forbidding the sale of milk to which has been added any fat or oil other than milk fat.'" (Committee on Dairying.)

H. B. No. 267, by Andrus: "A Bill for an Act entitled: 'An Act providing for an annual license tax to be paid by all physicians and surgeons practicing in this State; providing the method of collecting the same; providing for the disposition and expenditure of all moneys collected under the provisions of this act, and providing a penalty for the violation of any provision of this act.'" (Committee on Public Health and Sanitary Affairs.)

H. B. No. 268, by Committee on Appropriations: "A Bill for an Act entitled: 'An Act appropriating money to pay balance unpaid on judgment in favor of the General Electric Company and against C. T. Stewart, as Secretary of State, for fees illegally collected.'" (Committee on Appropriations.)

H. B. No. 269, by Bricker: "A Bill for an Act entitled: 'An Act relating to irrigation districts, and to transfer to, confer upon and vest in the State Engineer of the State of Montana all the rights, privileges, powers and duties now conferred upon, granted to, or vested in the Montana Irrigation Commission, the secretary of the Montana Irrigation Commission, the Public Service Commission of the State of Montana, the secretary of the Public Service Commission of the State of Montana, the chief engineer of the Montana Irrigation Commission and of the Public Service Commission of Montana under and by virtue of Chapter 13 of Montana Session Laws, extraordinary session of 1919, and Chapter 153 of Montana Session Laws for 1921, all as appearing in Sections 3947 to 4025 of the Revised Codes of Montana of 1921, both sections inclusive, excepting Section 3968 thereof, and amending and re-enacting said Section 3968 by providing that any

irrigation district organized under said Chapter 153 may have the Attorney General, the State Engineer and the State Examiner examine into and report upon the legal, physical and financial features of the district, and the Secretary of State certify to the bonds of the district, all under and as provided in Chapter 236 of Montana Session Laws for 1921, the same being sections 7216 to 7225 of said Revised Codes.' " (Committee on Irrigation and Water Rights.)

H. B. No. 270, by Stoner: "A Bill for an Act entitled: 'An Act to amend Sections 2865, 2867, 2891, 2892, 2898, 2899, 2900, 2905, 2906, 2907, 2911, 2912, 2913, 2914, 2915, 2916, 2917, 2918, 2919 and 2920, of the Revised Codes of Montana of 1921, relating to the workmen's compensation law; and to repeal Sections 2893, 2894, 2895, 2897, 2909 and 2910 of the Revised Codes of Montana 1921, relating to workmen's compensation law.' " (Committee on Workmen's Compensation.)

H. J. M. No. 7, by Larsen of Sheridan: "A memorial to the United States Senate and House of Representatives asking for the passage of legislation stabilizing the price of wheat and providing an agency of the government for the marketing abroad of the surplus wheat crop." (Committee on Agriculture.)

The following bill was introduced, read first and second times, and referred to Committee on Appropriations:

H. B. No. 264, by Myrick: "A Bill for an Act entitled: 'An Act appropriating money to reimburse James L. Stillwell for moneys expended and loss sustained in defense of title to certain lands purchased from the State Board of Land Commissioners upon which he was subsequently contested.' " (Committee on Appropriations.)

Upon request of Baker, and with unanimous consent, reverted to:

#### REPORTS OF STANDING COMMITTEES.

The following report from the Committee on Constitutional Amendments was received:

"Mr. Speaker:

We, your Committee on Constitutional Amendments, having had under consideration H. B. No. 66, by Denny, a Bill for an Act entitled: "An Act for the submission to the qualified electors of the State of Montana of an amendment to Article VI of the Constitution of the State of Montana by striking out Sections 4, 5, and 6 of said Article, all relating to the creation of senatorial and representative districts, and enacting in lieu thereof a new section to be numbered "Section 4," fixing the method of creating said districts," respectfully report as follows:

That H. B. No. 66 do pass.

BAKER, Chairman."

On motion of Baker, report adopted.

#### MOTIONS AND RESOLUTIONS.

Moved by Gullidge, duly seconded and carried that Orders of Business 8 and 9 be omitted today.

#### CONSIDERATION OF MESSAGES FROM THE GOVERNOR AND SENATE

Gullidge gave notice that on tomorrow he would move to dispense with the reading of bills in their entirety, on third reading.

Kenyon moved, duly seconded, that the House reconsider its action in adopting the report of the Judiciary Committee on House Bill No. 234. Mr. Speaker ruled that action on the motion would be taken up when the House was on the proper order of business.

#### CONSIDERATION OF GENERAL ORDERS.

Moved by Gullidge, duly seconded and carried that the House resolve itself into a Committee of the Whole, and that debate be limited to five minutes for any one member.

Pilgeram in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

“Mr. Speaker:

We, your Committee of the Whole, having had under consideration bills on General Orders, respectfully report back with the recommendation that:

H. B. No. 152: Do pass.

H. B. No. 135. Be re-referred to the Judiciary Committee.

H. B. No. 139: Do pass.

H. B. No. 125: Do pass.

H. B. No. 107: Be referred to the Judiciary Committee.

PILGERAM, Chairman.”

On motion of Pilgeram, report adopted.

Moved by Gullidge, duly seconded and carried that the House recess until 2:00 p. m.

#### AFTERNOON SESSION.

House resumed at 2:00 p. m.

Mr. Speaker in the chair.

Call of the House demanded by Boorman, duly seconded by fifteen members.

Moved by Boorman, duly seconded and carried that further action under call of the House be dispensed with.

#### CONSIDERATION OF GENERAL ORDERS.

Moved by Gullidge, duly seconded and carried that the House resolve itself into a Committee of the Whole for the consideration of General Orders that H. B. Nos. 126 and 120 be placed at the foot of the list; that all bills be read by history, title and section number only, open to amendment, and that debate be limited to two minutes to any member.

Oker in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

“Mr. Speaker:

We, your Committee of the Whole, having had under consideration bills on General Orders, respectfully report back with the recommendation that:

H. B. No. 130 do pass.

Sub. H. B. No. 69 do pass.

H. B. No. 172 do pass.

H. B. No. 52 do pass.

H. B. No. 70 that the enacting clause be stricken out.

H. B. No. 142 do pass.

Sub. H. B. No. 36 be made a special order of business for 2:00 p. m. February 10.

H. B. No. 147 be amended as follows:

By striking out all of Section 1, and in lieu thereof insert the following:

“Section 1. The term ‘public warehouse’ includes any elevator, mill, warehouse, or structure in which grain is received from the public for storage, shipment, or handling, whenever such grain is carried or intended to be carried to or from such warehouse, elevator, mill or structure by common carrier. The term ‘public warehouseman’ shall be held to mean and include every person, association, firm and corporation owning, controlling or operating any public warehouse in which grain is stored or handled in such a manner that the grain of various owners is mixed together, and the identity of the different lots or parcels is not preserved.

The term ‘grain dealer’ shall be held to mean and include every person, firm, association, and corporation owning, controlling, or operating a warehouse, other than a public warehouse, and engaged in the business of buying grain for shipment or milling in carload lots.



The term 'track buyer' shall mean and include every person, firm, association and corporation who engages in the business of buying grain for shipment or milling in carload lots, and who does not own, control, or operate a warehouse or public warehouse.

The term 'agent,' 'broker,' and 'commission man,' shall mean and include every person, association, firm and corporation who engages in the business of negotiating sales or contracts for grain, or of making sales or purchases for a commission."

And when so amended, do pass.

H. B. No. 141 be amended as follows:

Section 1 by adding after the word "river" in line 27 of printed bill the words "not included within a game preserve."

And when so amended, do pass.

H. B. No. 38 do pass.

OKER, Chairman."

Moved by Oker, duly seconded that report be adopted.

Moved by Pope, duly seconded that House Bill No. 70 be referred to the Committee on Revenue and Taxation without instructions.

Pope requested a roll call on the motion, duly seconded.

Maury demanded a call of the House, seconded by fifteen members.

Moved by Stoner, duly seconded and carried that further action on Call of the House be dispensed with.

Moved by Gullidge, duly seconded that the Pope motion to refer be laid on the table.

Pope having requested a roll call, duly seconded, the Gullidge motion to table carried, the vote being as follows:

Ayes: Andrew, Andrus, Armstrong, Arnold, Benedict, Bergstrom, Bernard, Berryman, Bohling, Bosley, Buchanan, Burke, Cady, Carlson (Gallatin), Davis (Fergus), Davis (Wibaux), Dell, Denny, English, Flynn, Gillin, Goodman, Gullidge, Hamilton, Hawley, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kinville, Lease, Leavens, Lemmon, Loble, McCarty, McLeod, Maury, Murphy, Mushbach, O'Connell, Oker, Ridle, Rodgers, Roscow, Scharnikow, Smith, Spencer, Stoddard, Taylor, Tierney. Total, 50.

Noes: Baker, Brandjord, Bray, Bricker, Buell, Buttelman, Perrine, Caplis, Carlson (McCone), Cavanaugh, Clarke, Dean, Duffy, Elliott, Facey, Hanson, Harris, Hoffman, Holton, Joffray, Kenyon, Boorman, Larson (Richland), Larsen (Sheridan), McAfee, McCormack, Myrick, Nelson, Ostby, Pilgeram, Pope, Rasmussen, Ruffcorn, Sandy, Seidensticker, Smethurst, Stoner, Strange, Swift, Tawney, Troy, Wold, Mr. Speaker. Total, 43.

Absent and not voting: Cowley, Cronk, Fulsher, Gillette, Peden, Terrett, Zuck. Total, 7.

Oker's motion to adopt Committee of the Whole report being then in order, it carried.

The Committee on Engrossment reported as follows:

"Mr. Speaker:

We, your Committee on Engrossment, to whom was referred H. B. Nos. 37, 100, 124, 127, 148, 149, 150 and 151 beg leave to report same back correctly engrossed.

LARSON of Richland, Chairman."

"Mr. Speaker:

We, your Committee on Engrossment, to whom was referred House Bills Numbers 131, 155, 165 and House Joint Memorial No. 6, beg leave to report same back as correctly engrossed.

LARSON of Richland, Chairman."

Moved by Gullidge, duly seconded and carried, that the House adjourn until Saturday, February 10, at 10:00 a. m.

CALVIN CRUMBAKER, Speaker.

Attest: J. A. SHOEMAKER, Chief Clerk.

### FORTY-FIRST DAY

House of Representatives,  
February 10, 1923.

House convened pursuant to adjournment at 10:00 A. M.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Upon roll call all members present except: Troy, absent; Cowley, Gillette, Terrett, excused.

The Committee on Journal reported as follows:

“Mr. Speaker:

We, your Committee on Journal, have this day examined the Journal for the 40th Legislative day and found the same correct.

BUCHANAN, Chairman.”

Report adopted.

The Committee on Printing, reported as follows:

“Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bills Nos. 208, 222, 228, 230, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman.”

“Mr. Speaker:

We, your Committee on Printing to whom was referred House Bills Nos. 215, 157, 202, 227, 190, 206, 176, beg leave to report same have this date been returned from the printer correctly printed.

BRAY, Chairman.”

### COMMUNICATIONS AND PETITIONS.

Communications from the Senate.

“Helena, Montana, February 9, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Senate Resolution was this day read and unanimously adopted.

### SENATE RESOLUTION.

#### FORTIETH DAY

WHEREAS, God, in his Almighty wisdom, has seen fit to call to His immortal home, Mrs. Eva Goodman, wife of Judge E. H. Goodman, member of the House of Representatives of the Eighteenth Session of the State of Montana, and,

WHEREAS, the loss of this loving wife and mother is a distinct loss not only to her bereaved relatives, but to the state of Montana inasmuch as she was continually during her life here doing kindly acts for others ministering to the sick and needy and in many other ways helping those with whom she came in contact, and,

WHEREAS, In her passing, a sorrow has been cast upon this assembly and we all grieve with those who knew her and loved her best.

THEREFORE BE IT RESOLVED, that this Senate in session assembled, cause these resolutions to be sent from this body to the bereaved family, a copy spread upon the minutes of the Senate and thereby convey our sincerest sympathies to those, whose home has been sorrowed by the hand of death.

MUFFLY  
LOY  
LEIGHTON,

Very respectfully,

J. F. CONE, Secretary of the Senate.”

"Helena, Montana, February 9, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that in compliance with your communication of February 8th relative to the appointment of a committee consisting of two members of the House and one member of the Senate to inspect and appraise and advise the House and Senate as to the advisability of making the investment proposed in House Bill No. 260, on motion of Senator Paul, that a member of the Senate be appointed, the President thereupon appointed Senator Leuthold of Stillwater County as said Senate member.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 9, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 65, introduced by Cavanaugh was amended as follows:

Amend Section 1 by striking out in lines 2 and 3 the words "Or otherwise in control of the same" and also in lines 5 and 6 the words, "Or otherwise in control of such vehicle" and inserting in line 2, after the word "operating", the word, "Or" and also inserting in line 5, after the word "Operating", the word "Or."

Amend by adding to the end of Section 1, after the word "Misdemeanor", the following, "And upon conviction thereof shall be subject to a fine of not less than twenty five (\$25.00) dollars or more than five hundred (\$500.00) dollars or not less than ten (10) days imprisonment or more than three (3) months imprisonment or by both such fine and imprisonment." And as so amended was read third time and concurred in, title agreed to and is herewith returned to the House for concurrence in Senate amendments.

Very respectfully,

J. F. CONE, Secretary of the Senate."

Moved by Boorman, duly seconded and carried that the following communications be considered read at length.

"Helena, Montana, February 9, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Senate Bills were this day read third time and passed, title agreed to and are herewith transmitted to the House for concurrence.

Senate Bill No. 60, introduced by Paul, Dowlin & Clerk.

Senate Bill No. 72, introduced by Committee on Stock Growing & Grazing.

Senate Substitute for Senate Bill No. 82, introduced by Greenup.

Senate Bill No. 90, introduced by Greening.

Senate Bill No. 91, introduced by Duncan.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 9, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Joint Memorial No. 4, introduced by Bernard was this day read third time and concurred in, title agreed to, and is herewith returned to the House.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"February 9th, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Standing Committees reported as follows: Report adopted.

Committee on Judiciary: Senate Bill No. 45, introduced by Paul.

1. Amend Section 2 by striking from line 9 thereof, all of said line after the word "department".

2. Amend Section 5 by striking out of line 5 of said section the word, "physical" and inserting in lieu thereof the word "personal".



3. Amend Section 5 line 9 by adding after the word "Same" the following, "except such portion of such articles, produce or crops as may be used or consumed in such institution, and each state institution shall keep and submit to the state purchasing agent, at least once each year or oftener if demanded a list of such articles, produce or crops used or consumed therein and if any part thereof has theretofore been inventoried, as in this Act hereinbefore provided, then such institution shall be given credit therefor."

4. Amend Section 5 by adding the following sentence at the end thereof after the word, "fund"—"True and correct lists of all articles, produce and crops sold with the names of the purchasers, their addresses and sums received therefor, shall be prepared and kept on file in the office of the state purchasing agent, which list shall at all times be subject to inspection by the public."

5. Amend Section 6 line 8 by striking out the word, "heretofore" and inserting in lieu thereof the word, "hereafter".

6. Amend Section 6 line 12 by striking out the word, "heretofore" and inserting the word, "hereafter."

7. Amend Section 7 line 7 by striking out the word, "heretofore" and inserting in lieu thereof the words, "in this Act."

8. Amend Section 8 lines 15 and 16 by striking therefrom after the word "two" on line 15 the following, "or more newspapers of general circulation" and inserting in lieu thereof the following, "daily newspapers of general circulation in the State of Montana and published in different localities therein."

9. Amend Section 12 line 13 by striking out the words, "to furnish to" and inserting in lieu thereof the word, "with."

10. Amend Section 13 line 8 by striking out of line 8 after the word "agent", the words, "if he" and inserting in lieu thereof the words, "and state Board of Examiners if they."

11. Amend Section 13 line 12 by inserting a period after the word "void" and striking out the remainder of the sentence.

12. Amend Section 14 line 6 by inserting after the word, "interfere" the word, "with."

And as so amended, that said Bill do pass.

Minority report of Members of Judiciary Committee. Senate Bill No. 43, Introduced by Seigfriedt. We hereby submit a Minority report and recommend said bill to be amended as follows:

By striking out in the title of the bill, the words "Section 7088 of the Revised Codes of 1921 and", also amending Section 1, subdivision (a) to read as follows:

(a) "Alien" does not include a person eligible to citizenship, or one who has in good faith declared his intention to become a citizen of the United States, but does include other aliens or corporations or other organized groups of persons a majority of whom or whose capital stock is owned or controlled by aliens not eligible for citizenship or a majority of whose members are aliens, and adding at the end of Section 2 the following; "Nothing herein contained shall be construed to destroy or limit existing or vested rights of any person at the time of the passage of this act."

Strike out Section 6 of the Bill and re-numbering Section 7 as number 6 and in the subdivision G of Section 6, amend to read as follows: "(g) Willfully counsels, aids or abets another in violating or evading this Act,

Is guilty of a misdemeanor and punishable by a fine not less than One Hundred Dollars (\$100.00) or more than One Thousand Dollars (\$1,000.00) or six months in jail or both such fine and imprisonment."

Striking out Section 8 and renumbering Section 9 to be number 7, and renumbering Section 10 to be number 8, striking out section 11 and Section 12 and renumbering Section 13 as Section 9 and Section 14 as Section 10.

And as so amended, we recommend that the same do pass.

(Signed) KIRTON  
POMEROY  
DEMEL

Committee on Judiciary: Senate Bill No. 142 introduced by Demel;

Amend by striking out the words, "The twenty eighth day after the day of first publication at the end of Section 1" and inserting in lieu thereof, the words, "On the day of the fourth publication."

And as so amended that said bill do pass.

Senate Bill 106 by Greening. Recommend that same do pass.

Senate Bill 141 by Lowe. Recommend that same do not pass.

Committee on Counties and Towns. House Bill No. 89 introduced by Oker, recommend that same be concurred in.

House Bill 75 by Sandy. Recommend that same be concurred in.

House Bill No. 49, by Rodgers. Recommend that same be concurred in.

House Bill No. 83, by Bosley. Recommend that same be amended by inserting in line 2, of Section 1 after the word "land" the following: 'that separates one platted part of the city from another platted part of said city,' and that said Bill as amended be concurred in.

House Bill No. 87, by Bosley recommend that same be concurred in.

Senate Bill No. 98, by Harmon: Amend Section 6 of the original bill by cutting out in line 3 the words, "In cities of the first class" and in lines 5, 6 and 7, the words, "And publish at least once in a daily newspaper of general circulation, or weekly if there be no daily newspaper published." Amend Section 7 of the original bill by cutting out the words, in lines 10 and 11, "For the year preceding the year in which such election is held." We further amend the bill by striking out all of section No. 10 and renumbering the following sections of the bill. We further amend Section 15, in line 8 by striking out the words, "In cities of the first class." We further amend Section 18 by striking out in line 4 the words, thirty first (31) and inserting in lieu thereof the words, Fifteenth (15). We further amend the bill by cutting out all of Section 19 and re-numbering the following section. We further amend the title by striking out Section Nos. 54, 46, and 5503. And as amended recommend that bill do pass.

Committee on Economy Legislation. Senate Bill No. 50, introduced by Paul, Dowlin and Clark. Recommend that same do not pass and that Senate Substitute for Senate Bill No. 50 do pass.

Senate Bill No. 61, introduced by Paul, Dowlin and Clark. Recommend that same do not pass and that Senate Substitute for Senate Bill No. 61 do pass.

Senate Bill No. 134, introduced by Paul, Dowlin and Clark. Recommend that same do pass.

Senate Bill No. 129, introduced by Paul, Dowlin and Clark. Recommend that same do pass.

Senate Bill No. 51, introduced by Paul, Dowlin and Clark. Recommend that same do pass.

Committees on Mines and Mining. Senate Bill No. 80, introduced by Loy. Recommend that same do pass.

Committee on Federal Relations. Senate Bill No. 136, introduced by Speer. Recommend that same do pass.

Committee on Public Morals: Senate Bill No. 143, introduced by Committee on Public Morals, Charities and Reforms. Recommend that same do pass.

House Bill No. 106, recommend that same be amended by inserting in Section 1, in line 3, after the word "Any," the word "Public," and as so amended that bill be concurred in.

New Counties and Divisions. House Bill No. 63, introduced by Scharnikow. Recommend that same be concurred in.

Committee on Judicial Districts. House Bill No. 34, introduced by Gullidge. Recommend that same be concurred in.

Committee on Elections and Privileges. Senate Bill No. 125, introduced by Stewart of Meagher, Conser, Griffin, and Watson. Amend Section 3 on page 3, line 2 by striking out 2% and insert in lieu thereof 1%. Amend Section 10 by striking out in line 26, page 6, the words; "care County Clerk." Amend Section 12 by striking out all of said section after the words "Judges of Election" and insert the following: "The County Clerk, together with the chairman of the Board of County Commissioners and the Sheriff, shall go to the postoffice, at such time as is designated by the County Clerk, and receive all



primary election mail, and all such mail shall be taken immediately to the official ballot boxes provided for in this Act, and in the presence of the three officials designated, deposited therein unopened."

And recommend that same as amended do pass.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 9, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee of the Whole to whom was referred business on general file, recommend as follows:

That House Bill No. 94, be amended in line 4 of the printed bill by striking out the whole thereof and inserting in lieu thereof, the words, "Of any calendar year," and as so amended recommend that same be concurred in.

Also Senate Bill No. 103, recommend that same do pass.

Also House Bill No. 103, recommend that same be concurred in.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"February 9, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Senate Bills were this day introduced read first and second times, and referred to committees as follows:

Senate Bill No. 144, by Cowan: A Bill for an Act entitled: "An Act relating to Irrigation Districts organized under Chapter 153 Session Laws 1921, and amending and re-enacting Sections 3956, 3960, 3965, 3968, 3969, 3970, 3973, 3974, 3975, 3990, 4014, of the Revised Codes of Montana, 1921, which relates to the procedure for organizing said Irrigation Districts, and examination and report of the Public Service Commission thereon, and meeting of directors of said District and the election of officers of the Board, providing for the formulation of the plan of reclamation of said Districts and the final report of the Public Service Commission thereon, and fixing the form and terms of the bonds of said Districts and prescribing that the same when certified by the Public Service Commission, shall be legal investments, providing for the delivery of bonds of said District to contractors in lieu of sale, or for sale of said bonds, fixing the time for payment of said bonds and prescribing the lien thereof, providing for the determination of the amount of the annual assessment for sinking fund and other purposes, providing for the determination of the annual administrative expenses and levy and collection thereof, fixing the limitations on the power of the directors to incur indebtedness, prescribing the method for the election of the directors of said District and for the organization of said Directors as a Board, and authorizing the State Land Board to sign petitions for the inclusion of state lands in Irrigation Districts, organized under this Act and to pay assessments therefor out of any funds belonging to said Board not otherwise appropriated." Referred to Committee on Irrigation and Water Rights.

Senate Bill No. 145, by Clark. "An Act permitting the segregating of general and special taxes." Referred to Committee on Taxation.

Senate Bill No. 146, by Clark: "An Act relating to the redemption of property sold for delinquent taxes; allowing the owner thereof to pay such delinquent taxes for the first year without paying those for subsequent years at the same time, and repealing Section 2233 of the Revised Codes of Montana of 1921." Referred to Committee on Taxation.

Senate Bill No. 147, by Page and Haley: "An Act to repeal Sections 671, 672, 673, 674, 675 and 676 of the Revised Codes of Montana of 1921, these sections now being what was Initiative Measure entitled 'A Bill to propose by initiative petition a law to provide for the expression by the people of the State of Montana of their preferences of party candidates for president and vice president of the United States, the election of delegates to presidential conventions and the nomination of presidential electors by direct vote,' initiated and passed by the people of the State of Montana at the general election of 1921." Referred to Committee on Elections and Privileges.



Senate Bill No. 148, by Pomeroy: "An Act to require Clerks of the District Courts to keep index books for indexing bonds in criminal cases." Referred to Committee on Judiciary.

Senate Bill No. 149, by Mains: "An Emergency Act authorizing the Board of School Trustees of any school district to fund outstanding indebtedness by the issuance of ten year amortization bonds." Referred to Committee on Education.

Senate Bill No. 150: By Committee on Banks and Banking: "An Act requiring a license and bond for solicitors or agents of building and loan associations; limiting fines which such associations may charge; requiring that all moneys collected be accounted for the association; requiring a definite procedure for making loans to officers defining the methods by which foreign associations may do business in the State; and defining the duties of the State Examiner in relation to such provisions." Referred to Committee on Banks and Banking.

Senate Bill No. 151, by Church: "An Act to provide for the care and improvement of neglected cemetery lots in public cemeteries and for the resale of unoccupied portions thereof and the disposition of the money received from such resale." Referred to Corporations, other than Municipal.

Very respectfully,

J. F. CONE, Secretary of the Senate."

#### NOTICES.

Authors gave notice that they will on tomorrow or some subsequent date introduce bills as follows:

By Flynn and Andrus: "A Bill for an Act entitled: 'An Act amending Sections 6902, 6903 and 6904 of the Revised Codes of the State of Montana of 1921, relating to the release of record of oil, gas and mineral leases, and to actions to compel such release and to the making of demand for such release'."

By Duffy: "A Bill for an Act entitled: 'An Act to protect the lives, health and morals of women and minor workers and to establish maximum hours, and minimum wages therefor; authorizing and empowering the Industrial Accident Board to fix such maximum hours and minimum wages and standard conditions of labor for such workers; providing for the appointment of wage conferences and establishing the powers thereof and repealing all Acts and parts of Acts in conflict herewith'."

By Loble: "A Bill for an Act entitled: 'An Act to amend Section 11847 of the Revised Codes of Montana 1921, relating to the matter of charging different offenses, or different statements of the same offense, under separate counts, in one indictment or information, and relating to the matter of requiring the prosecution to elect between different counts'."

By Committee on Ways and Means: "A Bill for an Act entitled: 'An Act to amend Section 4725 of the Revised Codes of the State of Montana of 1921, being part of Chapter 24 of Part IV of the Political Code of the State of Montana, relating to county officers and their enumeration and qualification'."

By Denny, Maury, Facey and Swift: "A Bill for an Act entitled: 'A Bill providing for an appropriation of \$15,000 from the General Funds for the purpose of establishing in the State Penitentiary a tannery'."

By Kenyon, by request: "A Bill for an Act entitled: 'An Act to create the County of Hedges, designating its boundaries and providing for its organization and government, and to change the boundaries of Flathead county to conform thereto'."

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received:

"Mr. Speaker:

We, your committee on Dairying having had under consideration, H. B. No. 266, introduced by Committee on Dairying, a Bill for an Act entitled: "An Act to amend Chapter 202 of the Revised Codes of Montana of 1921 by adding

thereto one new section to be known as Section 2623 (A), forbidding the sale of milk to which has been added any fat or oil other than milk fat," respectfully report as follows:

That H. B. No. 266, do pass.

SEIDENSTICKER, Chairman."

On motion of Seidensticker, report adopted.

"Mr. Speaker:

We, your committee on Improvements and Manufacturing having had under consideration, House Bill No. 174, being a Bill for an Act entitled: "An Act to provide for the letting of contracts for public printing, fixing the prices therefor, providing for an undertaking for the faithful performance of such contracts, providing a penalty for violation of this Act, and repealing Section 4482 of the Revised Codes of Montana of 1921," respectfully report as follows:

That H. B. No. 174 be amended as follows:

First: Amended the title by adding the words "Hamilton and" before the word "Bray."

Second: Amend Section 1 by striking out after the word "to" in line 19, the balance of that line and all of lines 20, 21, 22 and 23 and inserting in lieu thereof the words "the lowest and best bidder; Provided, that the Board of County Commissioners may, in their discretion accept the lowest bid of a newspaper or printing concern within the County, when such bid is not more than fifteen per cent (15%) greater than the lowest and best bid received from a newspaper or printing concern outside of the County."

And recommend that as amended the Bill do pass.

TAYLOR, Chairman."

On motion of Taylor, report adopted.

"Mr. Speaker:

We, your Committee on Improvements and Manufacturing having had under consideration H. B. No. 26, by Hamilton, a Bill for an Act entitled: "An Act to amend Section 4482 Revised Codes of Montana, 1921, relating to county printing," respectfully report as follows:

That H. B. No. 26 do not pass.

TAYLOR, Chairman."

On motion of Taylor, report adopted.

"Mr. Speaker:

We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 196, "a Bill for an Act entitled: 'An Act to amend Sections 2398, 2399, 2400, 2402, 2403, 2404, and 2405 of the Revised Codes of Montana of 1921, and requiring every person, firm, copartnership, association, joint-stock company, syndicate and corporation engaged in or carrying on the business of producing within this State petroleum or other mineral or crude oil, or engaged in or carrying on the business of owning, controlling, managing, leasing or operating within this State any well or wells from which petroleum or other mineral or crude oil is produced, to pay to the State Treasurer for engaging in and carrying on such business, certain license fees for the exclusive use and benefit of the State of Montana; fixing the amount of such license fees; prescribing a method for the assessment and collection thereof; and prescribing penalties for violations of the provisions of this Act,'" respectfully submit the following amendments:

1. Strike out all of Section 3, beginning with "Section 2400," and insert in lieu thereof the following:

"Section 2400. GROSS VALUE OF PRODUCT—HOW DETERMINED. The total gross value of all petroleum, and other mineral or crude oil produced each year shall be determined by taking the total number of barrels thereof produced each month during such year at the average value at the mouth of the well during the month the same is produced as determined by the State Board of Equalization; providing, however, that in computing the total number of barrels of petroleum, and other mineral or crude oil produced, there shall be deducted therefrom so much thereof as is used by such person in connection with the operation of the well from which said oil is produced or for pumping said petroleum, or other mineral or crude oil from the said well to a tank or pipe line."

2. In Section 6, on the fifth page, Line 13, strike out the word "There-  
tofore" and insert in lieu thereof the word "already" and in the same line also  
strike out the word "over" between the words "delivered" and "to." Also in  
Line 20, strike out the word "heretofore."

3. In Section 8, on the sixth page, strike out all of the remainder of the  
Section, beginning with the words and figures "Section 2405," and insert in lieu  
thereof the following:

"Section 2405. PROCEDURE TO COMPUTE AND COLLECT TAX IN  
ABSENCE OF STATEMENT. If any such person shall fail, neglect or re-  
fuse to file any statement required by Section 2403 of this code, within the time  
therein required, the State Board of Equalization shall, immediately after such time  
has expired, proceed to inform itself, as best it may, regarding the number of barrels  
of petroleum and other mineral or crude oil extracted and produced by such per-  
son in this State during such quarter, and during each month thereof, and the  
average value thereof during each such month, and shall determine and fix the  
amount of the license taxes due to the State from such person for such quarter  
and shall make out a statement, in duplicate, showing the same, and shall add to  
the amount of such license taxes a penalty of twenty-five per cent., thereof, and  
deliver one of such statements to the State Treasurer who shall proceed to collect  
the amount of such license taxes, with the penalty added thereto, and interest  
on the whole thereof at the rate of twelve per cent per annum from the date of the  
making of such statement by the State Board of Equalization until paid. Upon  
request of the State Treasurer, it shall be the duty of the Attorney General to  
commence and prosecute to final determination in any court of competent juris-  
diction, an action at law to collect the same. No action shall be maintained by  
such person to review, revise or change the statement so made by the State Board  
of Equalization in any particular whatever, or to enjoin the collection of the  
license tax, or any part thereof, and such person shall have no right to pay such  
license tax, or any part thereof, under protest and maintain any action to re-  
cover the same."

And we respectfully recommend that when so amended, the bill do pass.

SWIFT, Chairman."

On motion of Swift, report adopted.

"Mr. Speaker:

We, your committee on Appropriations having had under consideration,  
House Bill No. 268, introduced by Appropriations Committee, "An Act appropri-  
ating money to pay balance unpaid on judgment in favor of the General Elec-  
trict Company and against C. T. Stewart as Secretary of State, for fees illegally  
collected," respectfully report as follows:

That H. B. No. 268, do pass.

BUELL, Chairman."

On motion of Buell, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration H. B.  
No. 240, by Smith, entitled: "An Act providing for the incarceration of prison-  
ers committed under process of order issued under the authority of the United  
States in county jails, making it the duty of the sheriff to receive such prison-  
ers, making provision for the support of such prisoners, and repealing Section  
12,472 of the Revised Codes of Montana of 1921 and all Acts and parts of Acts in  
conflict herewith," respectfully report as follows:

That House Bill No. 240 do pass.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House  
Bill No. 178, by Myrick, Pilgeram, Bricker, entitled: "An Act providing for  
the foreclosure of mortgages containing a power of sale by advertisement, out-  
lining procedure, and providing for purchase at such foreclosure sale by the  
mortgagee or his representatives," respectfully report as follows:

That H. B. No. 178 do not pass.

KENYON, Chairman."



Moved by Kenyon, duly seconded that report be adopted.

Moved by Myrick, as a substitute, duly seconded and carried that House Bill No. 178 be printed and placed on General Orders.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 56, by Smith, entitled: "An Act defining the duration of liens on taxes on property sold for delinquent taxes and the time within which tax deeds may be issued by County Treasurer," respectfully report as follows:

That H. B. No. 56 be amended as follows:

By substituting the word "three" for the word "five," in line 2, of Section 3,

By re-numbering Sections 4 and 5 as Sections 5 and 6, respectively, and inserting a new Section 4, to read as follows:

"Nothing intended in this Act shall affect or impair the rights of any person to whom a tax deed has been or shall be issued within the time provided in this Act."

And that as so amended the Bill do pass.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration Senate Bill No. 67, by Kane, entitled, "An Act to amend Section 8868 Revised Codes of 1921 relating to the disqualification of judicial officers," respectfully report as follows:

That S. B. No. 67, be concurred in.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration, Substitute for Senate Bill No. 56, by Judiciary Committee, entitled: "An Act giving to the Judges of the District Courts of the State of Montana, jurisdiction to sign all judgments, decrees, orders to show cause, and all ex-parte orders, in Chambers anywhere within the State of Montana," respectfully report as follows:

That Substitute for S. B. No. 56, be concurred in.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your committee on State Boards and Officers, having had under consideration, Senate Bill No. 4 introduced by Duncan, entitled, "A Bill for an Act entitled: 'An Act abolishing the office of State Parole Commissioner and repealing Sections 12516 to 12518 inclusive of the Revised Codes of Montana of 1921'" respectfully report as follows:

That S. B. No. 4, be referred back without recommendation.

OSTBY, Chairman."

Moved by Ostby, duly seconded that report be adopted.

Moved by Maury, as a substitute, duly seconded that Senate Bill No. 4, be placed on General Orders.

Moved by Arnold, as a substitute, duly seconded and carried, that Senate Bill No. 4, be referred to Committee on Ways and Means.

"Mr. Speaker:

We, your Committee on Affairs of Cities, having had under consideration, House Bill No. 259, introduced by Affairs of Cities Committee, "A Bill for an Act entitled: 'An Act conferring upon the councils of cities and towns owning municipal water works and water systems, power to create boards of water commissioners to have supervision and control over such municipal water works and water systems, and conferring upon such councils power to define the duties of such board'," respectfully report as follows:

That H. B. No. 259, do pass.

LEASE, Chairman."

On motion of Lease, report adopted.

“Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration, Senate Bill No. 16, by Oliver, “A Bill for an Act entitled: ‘An Act amending Sections 238 and 239 of the Revised Codes of Montana of 1921, relating to certain duties of the State Auditor and the State Board of Examiners concerning the auditing of claims filed against the State,’ respectfully report as follows:

That S. B. No. 16, recommend that the bill be amended to read as follows:

That after the words “thirty days” in line 22 of Section 1, insert the words “but nothing in this Act shall be construed to interfere with the duties of the Secretary of the Board of Examiners, from dating, numbering and filing said claims as a record for such office.”

And that when so amended the bill do pass.

ARNOLD, Chairman.”

On motion of Arnold, report adopted.

## INTRODUCTION OF BILLS AND MEMORIALS

Leavens requested, and was granted by unanimous consent, permission for the Committee on Livestock and Public Ranges to introduce four committee bills without previous notice.

Arnold requested, and was granted by unanimous consent, permission for the Committee on Ways and Means to introduce a committee bill without previous notice.

The following Senate Bills were introduced, read first and second times by title and history only, and referred to committee as follows:

S. B. No. 91, by Duncan, “A Bill for an Act entitled: ‘An Act to amend Section 4811 of the Revised Codes of Montana, 1921, relating to the duties of County Clerks’.” (Committee on Judiciary).

S. B. No. 90, by Greening: “A Bill for an Act entitled: ‘An Act to fix the limit on stop payment orders on checks and drafts’.” (Committee on Banks and Banking).

S. B. No. 72, by Committee on Stock Growing and Grazing: “A Bill for an Act entitled: ‘An Act to define wild animals and to provide for their destruction, authorizing co-operation between the Livestock Commission and the Biological Survey of the United States Department of Agriculture, providing for the disposition of furs, skins and specimens from animals destroyed, authorizing the Tax Commission, or the Department of State whose duty it is to fix tax levies annually, to prescribe a levy against livestock, providing for the powers and duties of the Livestock Commission relative to the provisions of this Act, and repealing Sections 3407, 3408, 3409, 3410, 3411, 3412, 3413, 3415, 3416 and 3417 of the Revised Codes of the State of Montana, 1921, and amending Section 2081 of the Revised Codes of the State of Montana, 1921, relative thereto’.” (Committee on Live Stock and Public Ranges).

S. B. No. 82, by Greenup: “An Act to amend Sections 1211 and 1212 of the Revised Codes of Montana, 1921, providing for the apportionment and distribution of oil and gas royalties received from the United States’.” (Committee on Ways and Means).

S. B. No. 60, by Special Committee, Paul, Dowlin and Clark: “A Bill for an Act entitled: ‘An Act to amend Section 297 of the Revised Codes of Montana, relating to the State Budget’.” (Committee on Ways and Means).

The following House Bills were introduced, read first and second times by title only, and referred to committees as follows:

H. B. No. 271, by Bricker: “A Bill for an Act entitled: ‘An Act making an appropriation to pay the salaries, compensation and expenses of the assistants and clerks of the old State Board of Equalization and the office expenses incurred in connection with the work of the old State Board of Equalization during the interim between the adoption of the amendment to Section 15 of Article 12 of the Constitution, December 15, 1922, and the time of the organization of the new State Board of Equalization under such Constitutional Amendment, on February 3, 1923’.” (Committee on Appropriations).

H. B. No. 272, by Larson of Sheridan: "A Bill for an Act entitled: 'An Act to amend Section 7726 of the Revised Codes of Montana of 1921, fixing and prescribing legal rates of interest.'" (Committee on Banks and Banking).

H. B. No. 273, by Hanson, McCormack, Ruffcorn and Strange: "A Bill for an Act entitled: 'An Act to amend Sections 2089 and 2090 relating to the taxation of net proceeds of mines and the manner of computing such proceeds.'" (Committee on Revenue and Taxation).

H. B. No. 274, by Pope: "A Bill for an Act entitled: 'An Act relating to and to regulate the granting of new trials and the reversal and setting aside of judgments in criminal cases.'" (Judiciary Committee).

H. B. No. 275, by Smethurst: "A Bill for an Act entitled: 'An Act creating a laborer's lien, on the products of his work or labor upon the property of his employer, for such work and labor and providing for the damages, costs and manner of the enforcement of such laborer's lien.'" (Committee on Labor).

H. B. No. 276, by Stoner: "An Act regulating the number of persons to be engaged or employed in the different kinds of labor, work and services in an underground mine, or working, which is operated or worked through a shaft more than three hundred feet deep, or which is operated or worked through a tunnel more than four hundred feet from the mouth or portal of such tunnel, and providing penalties for the violation thereof." (Committee on Labor).

H. B. No. 277, by Joffray: "An Act appropriating money for the purchase of farm land to be used in connection with the operation of the Montana school for the deaf and blind." (Committee on Appropriations.)

H. B. No. 278, by Committee on Ways and Means: "An Act to amend Section 4725 of the Revised Codes of the State of Montana of 1921, being part of Chapter 24 of Part IV of the Political Code of the State of Montana, relating to county officers and their numeration and qualification." (Committee on Ways and Means.)

H. B. No. 279, by Committee on Livestock and Public Ranges: "A Bill for an Act entitled: 'An Act to define the duties of all persons, firms, or corporations who purchase or receive hides of cattle; to require written bills of sale therefor from the vendor, and the keeping of a permanent record; prescribing the contents of bill of sale; making provision for the inspection of such hides, and bills of sale; making a violation of this act a misdemeanor, and prescribing a penalty.'" (Committee on Livestock and Public Ranges.)

H. B. No. 280, by Committee on Livestock and Public Ranges: "A Bill for an Act entitled: 'An Act to define the duties of all persons, firms, corporations, or associations who slaughter, or cause to be slaughtered cattle, or who sell, or distribute dressed bovine meat; to require written statements from the vendor; providing for license; making a violation of this act a misdemeanor, providing a penalty therefor, and repealing Chapter 242 of the Revised Codes of Montana of 1921.'" (Committee on Livestock and Public Ranges.)

H. B. No. 281, by Committee on Livestock and Public Ranges: "A Bill for an Act entitled: 'An Act prohibiting the mutilating, destroying, or concealing of hides of livestock; making the violation of this Act a felony, and providing a penalty for such violation.'" (Committee on Livestock and Public Ranges.)

H. B. No. 282, by Bray: "A Bill for an Act entitled: 'An Act to establish a game preserve in portions of Sweet Grass, Park, Wheatland and Meagher counties for the protection of game animals and birds, to be known as the Crazy Mountain Game Preserve, and providing penalties for the killing, hunting, trapping and pursuing any game animals or birds in such preserve.'" (Committee on Fish and Game).

#### MOTIONS AND RESOLUTIONS.

Moved by Loble, duly seconded and carried that Substitute for House Bill No. 43 be taken from third reading and referred to the Judiciary Committee.



## THIRD READING OF HOUSE BILLS.

Moved by Gullidge, duly seconded and carried by the necessary two-thirds that all bills on third reading be read by history and title only.

Moved by Carlson, and duly seconded that the action of the House in taking Substitute House Bill No. 43. from third reading and referring same to the Judiciary Committee be reconsidered.

The following bills were introduced, read first and second times by title only, and referred to committees as follows:

H. B. No. 114, by Pope, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Baker, Benedict, Bernard, Berryman, Bohling, Bosley, Brandjord, Bray, Bricker, Buchanan, Burke Buttleman, Caplis, Carlson of McCone, Cavanaugh, Clarke, Cronk, Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Nelson, O'Connell, Oker, Ostby, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Tierney, Wold, Zuck, Mr. Speaker, Boorman, Buell, Carlson (Gallatin), Myrick. Total, 89.

Noes: None.

Absent and not voting: Arnold, Bergstrom, Cady, Cowley, Davis (Fergus), Gillette, Gillin, Loble, Peden, Terrett, Troy. Total, 11.

H. B. No. 42, by Cowley, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Baker, Benedict, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Bergstrom, Buchanan, Buell, Burke, Buttelman, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Taylor, Tawney, Tierney, Wold, Zuck, Strange, Mr. Speaker. Total, 90.

Noes: None.

Absent and not voting: Arnold, Cady, Cowley, Gillette, Gillin, Loble, Peden, Swift, Terrett, Troy. Total, 10.

H. B. No. 95, by Leavens, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Baker, Benedict, Arnold, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Buell, Burke, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smith, Spencer, Stoddard, Stoner, Strange, Taylor, Tawney, Tierney, Wold, Zuck, Mr. Speaker. Total, 89.

Noes: None.

Absent and not voting: Buttelman, Cady, Cowley, Cronk, Gillette, Gillin, Peden, Smethurst, Swift, Terrett, Troy. Total, 11.

H. B. No. 96, by Tierney, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Bohling, Boorman, Bosley, Brandjord, Bricker, Buchanan, Buell, Burke, Buttelman, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kenyon, Kinville, Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McCarty, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, Oker, Ostby, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Taylor, Tawney, Tierney, Wold, Zuck, Mr. Speaker. Total, 82.

Noes: Bernard, Bray, Goodman, Kennedy, Larson (Richland), McAfee, McCormack, O'Connell. Total, 8.

Absent and not voting: Cady, Cowley, Denny, Gillette, Gillin, Kelly (Silver Bow), Peden, Swift, Terrett, Troy. Total, 10.

H. B. No. 137, by Andrus, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Bray, Bricker, Buchanan, Buell, Buttelman, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Duffy, English, Facey, Flynn, Fulsher, Goodman, Gullidge, Hamilton, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, O'Connell, Oker, Ostby, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoner, Strange, Swift, Taylor, Tawney, Tierney, Wold, Zuck, Mr. Speaker. Total, 84.

Noes: Armstrong, Brandjord, Burke, Elliott, Nelson. Total, 5.

Absent and not voting: Cady, Cowley, Denny, Gillette, Gillin, Hanson, Kelly (Silver Bow), Peden, Stoddard, Terrett, Troy. Total, 11.

H. B. No. 97, by Leavens, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Buell, Burke, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Flynn, Facey, Fulsher, Goodman, Gullidge, Hamilton, Harris, Hawley, Hoffman, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, Oker, Ostby, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Tierney, Wold, Zuck, Mr. Speaker, Larsen of Sheridan. Total, 87.

Noes: Armstrong, Buttelman, O'Connell. Total, 3.

Absent and not voting: Cady, Cowley, Gillette, Gillin, Hanson, Holton, Peden, Scharnikow, Terrett, Troy. Total, 10.

H. B. No. 33, by Facey, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Bergstrom, Bernard, Brandjord, Bray, Bricker, Buchanan, Buell, Buttelman, Caplis, Carlson (Gallatin), Carlson (McCone), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Goodman, Gullidge, Hamilton, Hanson, Harris, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kenyon, Kinville, Larsen (Sheridan), Leavens, Lemmon, Loble, McCarty, Murphy, Mushbach, Myrick, O'Connell, Oker, Ostby, Pilgeram, Pope, Ridle, Roscow, Ruffcorn, Sandy, Seidensticker, Smethurst, Smith, Spencer, Stoner, Strange, Swift, Taylor, Tawney, Tierney, Zuck, Rasmussen, Mr. Speaker. Total, 67.

Noes: Benedict, Berryman, Bohling, Boorman, Bosley, Burke, Cavanaugh, Clarke, Davis (Fergus), Fulsher, Hawley, Hoffman, Kennedy, Larson (Richland), Lease, McAfee, McCormack, McLeod, Maury, Nelson, Perrine, Rodgers, Wold. Total, 23.

Absent and not voting: Cady, Cowley, Cronk, Gillette, Gillin, Peden, Scharnikow, Stoddard, Terrett, Troy. Total, 10.

#### AFTERNOON SESSION.

House resumed at 1:30 p. m.

Mr. Speaker in the chair.

Bray demanded a call of the House, duly seconded by fifteen members.

Moved by Bray, duly seconded and carried, that further action under the Call of the House be dispensed with.

Upon request of Carlson of Gallatin, and with unanimous consent reverted to:

#### MOTIONS AND RESOLUTIONS.

Carlson of Gallatin renewed his motion that the action of the House in removing Substitute for House Bill No. 43 from third reading and referring same to the Judiciary Committee be reconsidered. Duly seconded and carried.

Moved by Scharnikow, duly seconded and carried that Substitute for House Bill No. 43 be placed on third reading at the head of the list.

#### THIRD READING OF HOUSE BILLS.

Moved by Scharnikow, that House proceed with reading of other House bills until Substitute for House Bill No. 43 appears.

H. B. No. 131, by Goodman, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Benedict, Baker, Bergstrom, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Buchanan, Buell, Burke, Buttelman, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facev, Flynn, Fulsher, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Tierney, Wold, Zuck, Mr. Speaker. Total, 90.

Noes: None.

Absent and not voting: Bernard, Bricker, Cady, Cowley, Cronk, Gillette, Gillin, Peden, Terrett, Troy. Total, 10.

The Senate amendments to H. B. No. 64, by Goodman, were concurred in by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Buchanan, Buell, Burke, Buttelman, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facev, Flynn, Fulsher, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Tierney, Wold, Zuck, Mr. Speaker. Total, 91.

Noes: None.

Absent and not voting: Bernard, Bricker, Cady, Cowley, Gillette, Gillin, Peden, Terrett, Troy. Total, 9.

Moved by Duffy, duly seconded and carried that Substitute for House Bill No. 28 be re-referred to the Committee on Education.



## SPECIAL ORDER.

CONSIDERATION OF GENERAL ORDERS WITH RESPECT TO  
SUBSTITUTE FOR H. B. 36.

Moved by Gullidge, duly seconded and carried that the House resolve itself into a Committee of the Whole for the consideration of Substitute for House Bill No. 36 and that bill be read by history, title and section number only.

Harris in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole, having had under consideration Substitute for House Bill No. 36, respectfully report back with the recommendation that Substitute for House Bill No. 36 be amended as follows:

The title by adding line two after the word "companies" the following: "and to repeal Sections 2314 and 2315 of the Revised Codes of Montana of 1921."

Also Section 1 by striking out in line 4 between the words organized and incorporate the word "to" and inserting the word "or" and by adding the letter "d" to the word "incorporate" which is in line 4.

Also Section 2 by adding in line 16 between the words "its" and "business" the words "sleeping car" and also to strike out the word "its" in line 29 and insert instead the word "said."

Also Section 4 by adding in line 3 between the words "its" and "business" the words "sleeping car" and in same section in line 4 to strike out the word "its" and insert in lieu thereof the word "said." Also in same section line 6 between words "in" and "business" strike out the word "its" and insert in lieu thereof the word "said" and also in line 6 after the word "in" strike out the words "its" and insert in lieu thereof the word "said."

Also Section 9 by striking out in line 1 the words "for the year 1923" and inserting in lieu thereof the words: "shall be first imposed and paid for the whole calendar year 1923, and."

Also Section 2 by adding after the word "repealed" in line 1 the following: "Provided, however, that no person or corporation shall be relieved or released from the payment of any license tax which such person or corporation should have paid under the provisions of such sections so repealed, and the State of Montana shall have the right to collect and receive from any such person or corporation any such license tax; and for such purpose may maintain and prosecute to final determination any suit, action or proceeding heretofore instituted for such purpose and now pending, any may institute and commence any suit, action or proceeding for such purpose after the taking effect of this act."

And when so amended, do pass.

HARRIS, Chairman."

On motion of Harris, report adopted.

## THIRD READING OF HOUSE BILLS.

Moved by Tawney, duly seconded, that Sub. for H. B. No. 43 be taken from third reading and referred to the Judiciary Committee.

Moved by Swift, as a substitute, duly seconded and carried, that Substitute for House Bill No. 43 be taken from third reading and its consideration be made a special order of business for today at 2:35 p. m.

H. B. No. 155, by Zuck, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Buchanan, Buell, Burke, Buttelman, Caplis, Carlson (Gallatin), Carlson (McCone), Cav-  
anaugh, Clarke, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy,  
Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton,  
Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Kelly (Pondera), Kelly  
(Silver Bow), Kennedy, Kenyon, Larson (Richland), Larsen (Sheridan), Lease,

Leavens, Lemmon, Loble, McAfee McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Tierney, Wold, Zuck, Mr. Speaker. Total, 88.

Noes: None.

Absent and not voting: Bricker, Cady, Cowley, Cronk, Gillette, Johnson, Kinville, McCarty, Peden, Rodgers, Terrett, Troy. Total, 12.

### SPECIAL ORDERS.

#### CONSIDERATION OF GENERAL ORDERS WITH RESPECT TO SUBSTITUTE FOR H. B. NO. 43.

Moved by Gullidge, duly seconded and carried, that the House resolve itself into a Committee of the Whole for the consideration of Substitute for House Bill No. 43; that the bill be read by history, title and section number only, and debate be limited to five minutes on the entire bill.

Caplis in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole, having had under consideration Substitute for House Bill No. 43, respectfully report back with the recommendation that Substitute for House Bill No. 43 be amended as follows:

Section 3 by striking out all after the word "examiners" in line 5.

Also Section 3 by striking out in lines 4 and 5 that portion beginning with the word "provided" and ending with the word "examiners."

And when so amended, do pass.

CAPLIS, Chairman."

On motion of Caplis, report adopted.

### THIRD READING OF HOUSE BILLS.

H. B. No. 165, by the Committee on Appropriations, having been read three several times, title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Bohling, Boorman, Brandjord, Bray, Bricker, Buchanan, Burke, Buttelman, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, English, Facey, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Harris, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Larsen (Sheridan), Lease, Leavens, Lemmon, McAfee, McCormack, McLeod, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Seidensticker, Smethurst, Smith, Spencer, Stoner, Strange, Swift, Taylor, Tawney, Tierney, Wold, Zuck, Mr. Speaker. Total, 80.

Noes: Hawley, Maury, Scharnikow, Stoddard. Total, 4.

Absent and not voting: Bernard, Bosley, Buell, Cady, Cowley, Elliott, Flynn, Gillette, Hanson, Kinville, Larson (Richland), Loble, McCarty, Peden, Terrett, Tierney. Total, 16.

H. J. M. No. 6, by Hawley, having been read three several times, was passed without dissenting vote.

H. B. No. 67, by McCarty and Hamilton, having been read three several times and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Bohling Boorman, Brandjord, Bricker, Buchanan, Burke, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hawley, Hoffman, Joffray, Johnson, Kelly (Pondera), Kelly

(Silver Bow), Kennedy, Kenyon, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, Oker, Ostby, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Tierney, Wold, Zuck, Mr. Speaker. Total, 79.

Noes: None.

Absent and not voting: Bernard, Bosley, Bray, Buell, Buttelman, Cady, Cowley, Cronk, Facey, Flynn, Gillette, Hanson, Harris, Holton, Kinville, McCarty, O'Connell, Peden, Roscow, Terrett, Troy. Total, 21.

H. B. No. 100, by Loble and Scharnikow, having been three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrus, Armstrong, Arnold, Baker, Bergstrom, Bernard, Berryman, Bohling, Boorman, Brandjord, Bricker, Buchanan, Burke, Cady, Carlson (Gallatin), Cavanaugh, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, English, Facey, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Harris, Hawley, Hoffman, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Lease, Leavens, Lemmon, Loble, McAfee, McLeod, Maury, Murphy, Muhsbach, Myrick, Nelson, O'Connell, Oker, Pope, Rasmussen, Ridle, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smith, Spencer, Swift, Taylor, Tawney, Wold, Elliott. Total, 64.

Noes: Benedict, Caplis, Carlson (McCone), Duffy, Larson (Richland), Larsen (Sheridan), McCormack, Ostby, Perrine, Pilgeram, Rodgers, Clark, Smethurst, Stoner, Strange, Tierney, Mr. Speaker. Total, 17.

Absent and not voting: Andrew, Bosley, Bray, Buell, Buttelman, Cowley, Cronk, Flynn, Gillette, Hanson, Holton, Kinville, McCarty, Peden, Roscow, Stoddard, Terrett, Troy, Zuck. Total, 19.

H. B. No. 124, by Scharnikow, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bricker, Buchanan, Burke, Caplis, Carlson (Gallatin), Carlson (McCone), Clarke, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Stoner, Strange, Swift, Taylor, Tawney, Tierney, Wold, Mr. Speaker. Total, 77.

Noes: Cady, Spencer. Total, 2.

Absent and not voting: Bosley, Brandjord, Bray, Buell, Buttelman, Cavanaugh, Cowley, Cronk, Flynn, Gillette, Holton, Kelly (Silver Bow), Kinville, Larson (Richland), McCarty, Peden, Roscow, Stoddard, Terrett, Troy, Zuck. Total, 21.

H. B. No. 148, by Committee on Livestock and Public Ranges, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bray, Bricker, Buchanan, Burke, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Davis (Fergus), Davis (Wibaux), Dean, Dell, Duffy, Elliott, English, Facey, Fulsher, Gillin, Goodman, Gullidge, Hanson, Harris, Hawley, Hoffman, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Ostby, Oker, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Tierney, Wold, Mr. Speaker. Total, 82.

Noes: None.

Absent and not voting: Bosley, Brandjord, Buell, Buttelman, Cowley, Cronk, Denny, Flynn, Gillette, Hamilton, Holton, Kinville, McCarty, Peden, Roscow, Terrett, Troy, Zuck. Total, 18.



H. B. No. 127, by Committee on Agriculture, having been read three several times, and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Arnold, Baker, Benedict, Bergstrom, Berryman, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Davis (Wibaux), Dean, Dell, Duffy, Elliott, English, Facey, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Larson, (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McCormack, McLeod, Murphy, Mushbach, Myrick, Nelson, Oker, Ostby, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoner, Strange, Swift, Taylor, Tawney, Tierney, Wold, Zuck, Kenyon, Mr. Speaker. Total, 78.

Noes: Armstrong, Bohling, Burke, Davis (Fergus), Fulsher, McAfee, Maury, O'Connell. Total, 8.

Absent and not voting: Bernard, Buell, Buttleman, Cowley, Cronk, Denny, Flynn, Gillette, Kinville, McCarty, Peden, Stoddard, Terrett, Troy. Total, 14.

H. B. No. 149, by Committee on Livestock and Public Ranges, having been read three several times, and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Buell, Burke, Cady, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoner, Strange, Swift, Taylor, Tawney, Tierney, Wold, Mr. Speaker. Total, 84.

Noes: None.

Absent and not voting: Andrus, Bernard, Buttelman, Caplis, Cowley, Cronk, Flynn, Gillette, Kelly (Silver Bow), Kinville, McCarty, Peden, Stoddard, Terrett, Troy, Zuck. Total, 16.

H. B. No. 150, by Committee on Livestock and Public Ranges, having been read three several times, and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Buell, Burke, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Fulsher, Gillin, Goodman, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Perrine, Pilgeram, Pope, Rasmussen, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoner, Strange, Swift, Taylor, Tawney, Tierney, Wold, Zuck. Total, 85.

Noes: Mr. Speaker. Total, 1.

Absent and not voting: Andrus, Buttelman, Cowley, Cronk, Flynn, Gillette, Gullidge, Johnson, Larson (Richland), Peden, Ridle, Stoddard, Terrett, Troy. Total, 14.

H. B. No. 151, by Committee on Livestock and Public Ranges, having been read three several times, and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Burke, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, Mc-

Afee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Tierney, Wold, Zuck. Total, 87.

Noes: Mr. Speaker. Total, 1.

Absent and not voting: Andrus, Bernard, Buell, Buttleman, Cowley, Cronk, Flynn, Gillette, Johnson, Peden, Terrett, Troy. Total, 12.

The Senate amendments to H. B. No. 65, by Cavanaugh, having been read three several times were concurred in by the following vote:

Ayes: Andrew, Armstrong, Andrus, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Burke, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Hawley, Hoffman, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Swift, Taylor, Tawney, Tierney, Wold, Mr. Speaker. Total, 87.

Noes: None.

Absent and not voting: Buell, Buttelman, Cowley, Cronk, Flynn, Gillette, Harris, Holton, Peden, Strange, Terrett, Troy, Zuck.

The Committee on Engrossment reported as follows:

"Mr. Speaker:

We, your Committee on Engrossment, to whom was referred Sub. House Bill No. 43, beg leave to report same back correctly engrossed.

LARSON of Richland, Chairman."

Moved by Oker, duly seconded and carried, that the House adjourn until Monday, February 12, until 1:00 p. m.

CALVIN CRUMBAKER, Speaker.

Attest: JAMES A. SHOEMAKER, Chief Clerk.

## FORTY-THIRD DAY

House of Representatives,  
February 12, 1923.

House convened pursuant to adjournment at 1:00 p. m.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Upon roll call all members present except: Buttelman, Cronk and Troy, absent; Cowley, Gillette and Terrett, excused.

The Committee on Journal reported as follows:

"Mr. Speaker:

We, your Committee on Journal, have this day examined the Journal for the 41st legislative day and found the same correct.

BUCHANAN, Chairman."

The Committee on Printing reported as follows:

"Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bills Nos. 76, 81, 140, 207, 238, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman."

The Committee on Engrossment reported as follows:

"Mr. Speaker:

We, your Committee on Engrossment, to whom was referred Sub. House Bill No. 36 and H. B. No. 40, beg leave to report same back correctly engrossed.

LARSON of Richland, Chairman."

"Mr. Speaker :

We, your Committee on Engrossment, to whom was referred House Bills Numbered 125, 139 and 152, beg leave to report same back correctly engrossed.

LARSON of Richland, Chairman."

"Mr. Speaker :

We, your Committee on Engrossment, to whom was referred House Bills 38, 52, 130, 141, 142, 147 and 172, and Sub. H. B. No. 69, beg leave to report same back correctly engrossed.

LARSON of Richland, Chairman."

### NOTICES.

Authors gave notice that they will on tomorrow or some subsequent date introduce bills as follows :

By Boorman : "A Bill for an Act entitled : 'An Act to amend Section 4527 Revised Codes of Montana, 1921, relating to the boundaries of Judith Basin County, Montana.' "

By Cavanaugh and Kelly of Silver Bow : "A Bill for an Act entitled : 'An Act to amend Section 3202 of the Revised Codes, providing a penalty.' "

By Wold : "A Bill for an Act entitled : 'An Act to submit to the qualified voters of the State of Montana, an amendment to Article 12 of the Constitution of the State of Montana'."

By Leavens, Berryman, Buchanan, Benedict and Wold : "A Bill for an Act entitled : 'An Act to appropriate money from the industrial accident fund of the State of Montana for the payment of the claim of Sam Nestor, which was disallowed by said board because the claim was not presented within six months.' "

By Davis of Wibaux : "A Bill for an Act entitled : 'An Act to amend Section 4037, Revised Laws of Montana, 1921, relating to the granting to stock-brokers of permit to do business.' "

By Smethurst : "A Bill for an Act entitled : 'An Act to amend Sections 2317 and 2328 of the Revised Codes of Montana 1921 relating to coal mines and dealers license tax.' "

By Fulsher : "A Bill for an Act entitled : 'An Act to amend Section 10832 of the Revised Codes of Montana of 1921, relating to the refusal of public officers to surrender books, papers and other equipment supplied at public expense to his successor in office and providing a penalty therefor.' "

By Fulsher : "A Bill for an Act entitled : 'An Act to amend Sections 460, 461 and 462 of the Revised Codes of Montana of 1921, relating to the possession of books, papers and other equipment of public officers supplied at public expense; proceedings to compel delivery thereof; attachment and warrant to inforce the delivery of books, paper and equipment supplied at public expense to the public officer entitled thereto.' "

By Larsen of Sheridan : "A Bill for an Act entitled : 'An Act to amend Section 632 of the Revised Codes of Montana of 1921, fixing the date for holding primary election.' "

By Larsen of Sheridan : "A Bill for an Act entitled : 'An Act to establish a game preserve in a portion of Sheridan county, for the protection of game animals and birds, to be known as the Plentywood Game Preserve, and providing penalties for the killing, hunting, trapping and pursuing any game.' "

By Bosley : "A Bill for an Act entitled : 'An Act to provide for the suspension of the acceptance of further compensation coverage under plan two of the workmen's compensation law, as provided in Chapter 213 Revised Codes of Montana 1921.' "

### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received :

"Mr. Speaker :

We, your Committee on Enrollment, wish to report House Bill No. 64; and House Joint Memorial No. 4; correctly enrolled, on February 10, 1923.

McAFEE, Chairman."



"February 12, 1923.

Mr. Speaker :

We, your Committee on Revenue and Taxation, having had under consideration H. B. No. 104, introduced by Troy and Buchanan, "A Bill for an Act entitled: 'An Act to amend Sections 2065, 2169, 2177, 2175, 2176, 2269 and 2270 of the Revised Codes of Montana 1921, relating to the time and method of collecting taxes, and penalties for non-payment thereof; relating to the time, place, and manner of selling property for the non-payment of taxes and to the time of commencing action to recover taxes paid under protest, and repealing Sections 2182, 2183, 2184, 2185, 2186, 2188, and 2190, relating to the publication of delinquent tax lists,' " respectfully report as follows :

That H. B. No. 104 do not pass.

We submit in lieu of this bill Substitute for House Bill No. 104, introduced by Committee on Revenue and Taxation, "A Bill for an Act entitled: 'An Act to amend Sections 2161, 2163, 2165, 2169, 2175, 2176, 2180, 2182, 2183, 2185, 2186, 2187, 2269, 2270, of the Revised Codes of Montana of 1921, relating to the time and method of collecting taxes, providing penalties for the non-payment thereof, and relating to the time, place, and manner of selling property for the non-payment of taxes, to enact an additional section to be known as Section 2180A; and to repeal Sections 2162, 2167, 2168, 2184, 2186 and 2188 of said codes,' " with the recommendation that the same do pass.

SWIFT, Chairman."

On motion of Swift, report adopted.

Substitute for H. B. No. 104, as above reported, was read first and second times, by title only and referred to Committee on Printing.

"Mr. Speaker :

We, your Special Investigating Committee of State Boards and Commissions, having had under consideration House Bill No. 166, introduced by the Appropriations Committee, "A Bill for an Act entitled: 'An Act to authorize the Livestock Commission to expend moneys collected,' " respectfully report as follows :

That House Bill No. 166 has been examined by us, and we submit report hereto attached, with the recommendation that the bill do pass.

BERNARD, Chairman.

OKER.

TAWNEY."

On motion, report adopted without dissenting vote.

The committee on Printing reported as follows :

"Helena, Montana, February 12, 1923.

Mr. Speaker :

We, your Committee on Printing, to whom was referred House Substitute Bills Nos. 59 and 93, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman."

"Mr. Speaker :

We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 273, by Hanson, McCormack, Ruffcorn and Strange: "A Bill for an Act entitled: 'An Act to amend Sections 2089 and 2090 relating to the taxation of net proceeds of mines and the manner of computing such proceeds,' " respectfully report as follows :

That House Bill No. 273, do pass.

SWIFT, Chairman."

On motion of Swift, report adopted.

"Mr. Speaker :

We, your Committee on Revenue and Taxation, having had under consideration H. B. No. 170, by Hoffman: "A Bill for an Act entitled: 'An Act to amend Sections 2169, 2175, 2176, 2182 and 2184 and to repeal Sections 2183 and 2188 of the Revised Codes of Montana of 1921, all relating to the collection of taxes,' " respectfully report as follows :

That H. B. No. 170, do not pass, inasmuch as the subject matter is covered by Substitute for House Bill No. 104.

SWIFT, Chairman."

On motion of Swift, report adopted.

"Mr. Speaker:

We, your Committee on Revenue and Taxation, having had under consideration House Bill No. 116, by Holton: "A Bill for an Act entitled: 'An Act to amend Sections 2169, 2175, 2177, 2182, 2188, and 2191 of the Revised Codes of Montana of 1921, relative to the collection of the taxes and the sale of property for delinquent taxes; providing for the payment of taxes in two equal installments; fixing the rate of interest to be collected on unpaid taxes; and repealing Section 2170 Revised Codes of Montana 1921,'" respectfully report as follows:

That H. B. No. 116, do not pass, inasmuch as the subject matter is covered by Substitute for Senate Bills 1 and 19.

SWIFT, Chairman."

On motion of Swift, report adopted.

"Mr. Speaker:

We, your Committee on Education, having had under consideration H. B. No. 253, introduced by Pope, "A Bill for an Act entitled: 'An Act to amend and reenact Section 1275 of the Revised Codes of Montana, of 1921, relating to county high schools,'" respectfully reports as follows:

That H. B. No. 253, Section 1275, line eleven, be amended to read as follows: If said tax exceeds five mills the proceeds of five mills shall be apportioned as heretofore provided by law, and the balance of said tax shall be apportioned to the county high school alone, and as amended do pass.

GULLIDGE, Chairman."

On motion of Gullidge, report adopted.

"Mr. Speaker:

We, your Committee on Education, having had under consideration H. B. No. 263, introduced by Taylor, "A Bill for an Act entitled: 'An Act to amend Section 1010 of the Revised Codes of Montana 1921, relating to transportation of pupils,'" respectfully report as follows:

That H. B. No. 263, do pass.

GULLIDGE, Chairman."

On motion of Gullidge, report adopted.

"Mr. Speaker:

We, your Committee on Livestock and Public Ranges, having had under consideration S. B. No. 81, introduced by Committee on Stock Growing and Grazing, being, "A Bill for an Act entitled: 'An Act to amend Section 3341 of the Revised Codes of 1921, relating to the shipment of cattle and the duties of the shipper and of the railroad,'" respectfully report as follows:

That S. B. No. 81, be concurred in.

LEAVENS, Chairman."

On motion of Leavens, report adopted.

"Mr. Speaker:

We, your Committee on Livestock and Public Ranges, having had under consideration S. B. No. 74, introduced by Committee on Stock Growing and Grazing, being, "A Bill for an Act entitled: 'An Act to amend Section 3324 of the Revised Codes of Montana of 1921, relating to the inspection of livestock about to be moved from one county to another within the State, and defining the powers of the Livestock Commission in reference thereto,'" respectfully report as follows:

That, we recommend that S. B. No. 74 be concurred in.

LEAVENS, Chairman."

On motion of Leavens, report adopted.

"Mr. Speaker:

We, your Committee on Livestock and Public Ranges, having had under consideration H. B. No. 281, introduced by Committee on Live Stock and Public Ranges, being "A Bill for an Act entitled: 'An Act prohibiting the mutilating,

destroying, or concealing of the hides of livestock; making the violation of this act a felony, and providing a penalty for such violation," respectfully report back:

That the same do pass.

LEAVENS, Chairman."

On motion of Leavens, report adopted.

"Mr. Speaker:

We, your Committee on Livestock and Public Ranges, having had under consideration H. B. No. 280, introduced by Committee on Livestock and Public Ranges, being "A Bill for an Act entitled: 'An Act to define the duties of all persons, firms, corporations, or associations who slaughter, or cause to be slaughtered, cattle, or who sell, or distribute dressed bovine meat; to require written statements from the vendor; providing for license; making the violation of this act a misdemeanor; providing a penalty therefor; and repealing Chapter 242 of the Revised Codes of Montana of 1921,'" respectfully report as follows:

That we recommend that H. B. No. 280 do pass.

LEAVENS, Chairman."

On motion of Leavens, report adopted.

"Mr. Speaker:

We, your Committee on Livestock and Public Ranges, having had under consideration H. B. No. 279, introduced by Committee on Livestock and Public Ranges, being "A Bill for an Act entitled: 'An Act to define the duties of all persons, firms or corporations who purchase or receive hides of cattle; to require written bills of sale therefor from the vendor, and the keeping of a permanent record; prescribing the contents of bill of sale; making provision for the inspection of such hides, and bills of sale; making a violation of this act a misdemeanor, and prescribing a penalty,'" respectfully report as follows:

That we recommend that H. B. No. 279, do pass.

LEAVENS, Chairman."

On motion of Leavens, report adopted.

"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration H. B. No. 271, introduced by Bricker, entitled, "An Act making an appropriation to pay the salaries, compensation and expenses of the assistants and clerks of the old State Board of Equalization and the office expenses incurred in connection with the work of the old State Board of Equalization during the interim between the adoption of the amendment to Section 151 of Article 12, of the Constitution, December 15, 1922, and the time of the organization of the new State Board of Equalization under such constitutional amendment on February 3, 1923,'" respectfully report as follows:

That H. B. No. 271, do pass.

BUELL, Chairman."

On motion of Wold, report adopted.

"Mr. Speaker:

We, your Committee on Public Health and Sanitary Affairs, having had under consideration H. B. No. 267, introduced by Andrus, "A Bill for an Act entitled: 'An Act providing for an annual license tax to be paid by all physicians and surgeons practicing in this State; providing the method of collecting the same; providing for the disposition and expenditure of all moneys collected under the provisions of this act, and providing a penalty for the violation of any provisions of this act,'" respectfully report as follows:

That H. B. No. 267, do pass.

ANDRUS, Chairman."

On motion of Andrus, report adopted.

"Mr. Speaker:

We, your Committee on Irrigation and Water Rights, having had under consideration H. B. No. 113, introduced by Tierney, "A Bill for an Act entitled: 'An Act to regulate the use of artesian wells, to prevent the waste of water flow-



ing therefrom, and defining "waste" as used for the purpose of this act and to provide penalties for the violation of this Act," respectfully report as follows:

That H. B. No. 113, amend Section 2 in line 14, by inserting after the words "as will" and before the word "readily" the words "if necessary."

Amend Section 4, page 2, line 4, by striking out the word "section" and inserting in lieu thereof the word "act" and the bill so amended do pass.

PERRINE, Chairman."

On motion of Perrine, report adopted.

"Mr. Speaker:

We, your Committee on Agriculture, having had under consideration H. B. No. 229, introduced by Committee on Agriculture, being "An Act to designate and provide for the destruction and eradication of Canada thistles and quack grass, and the appointment by county commissioners and city councils of a weed commissioner, defining his duties, fixing his compensation and providing penalties for violations of the provisions of said act, and to repeal Sections 4506, 4507, 4508, 4509, 4510, 4511, 4512, 4513, of the Revised Codes of Montana of 1921," respectfully report as follows:

That we recommend that H. B. No. 229, do pass.

McCORMACK, Chairman."

On motion of McCormack, report adopted.

"Mr. Speaker:

We, your Committee on Agriculture, having had under consideration H. B. No. 198, introduced by Hoffman, being "A Bill for an Act entitled: 'An Act relating to farm storage warehouses for grain; providing for the storage, measuring, inspection, grading and insurance of grain in licensed warehouses on the farm; providing for farm warehouse inspectors; providing for the issuance of negotiable warehouse receipts secured by grain held in licensed farm warehouses, and defining the duties of the county clerk and of the Commissioner of Agriculture thereto,'" respectfully report as follows:

That we recommend that H. B. No. 198, do pass.

McCORMACK, Chairman."

On motion of McCormack, report adopted.

"Mr. Speaker:

We, your Committee on Agriculture, having had under consideration H. J. M. No. 7, introduced by Larsen of Sheridan, being "A Memorial to the United States Senate and House of Representatives asking for the passage of legislation stabilizing the price of wheat and providing an agency of the government for the marketing abroad of the surplus wheat crop," respectfully report as follows:

That we recommend that said H. J. M. No. 7, do pass.

McCORMACK, Chairman."

On motion of McCormack, report adopted.

"Mr. Speaker:

We, your Committee on Agriculture, having had under consideration S. B. No. 63, introduced by Hazelbaker, being "A Bill for an Act entitled: 'An Act to amend Sections 4502, 4503 and 4504 of the Revised Codes of Montana of 1921, relating to insect pests, and providing the method of paying the expense of insect pest extermination,'" respectfully report as follows:

That we recommend that S. B. No. 63, do pass.

McCORMACK, Chairman."

On motion of McCormack, report adopted.

"Mr. Speaker:

We, your Committee on Workmen's Compensation, having had under consideration H. B. No. 186, introduced by Stoner, "A Bill for an Act entitled: 'An Act to repeal Sections 3040, 3041, 3042 and 3043 of Chapter 215 Revised Codes of Montana 1921, which requires certain employers to make reports to the Industrial

Accident Board concerning alien and illiterate employees and authorizes said board to prescribe rules and regulations and to fix penalties with reference thereto," respectfully report as follows:

That H. B. No. 186, do pass.

HANSON, Chairman."

On motion of Hanson, report adopted.

"Mr. Speaker:

We, your Committee on Workmen's Compensation, having had under consideration H. B. No. 153, introduced by Loble, "A Bill for an Act entitled: 'An Act to amend Section 2917 of Chapter 213 Revised Codes of Montana 1921, known as 'the workmen's compensation act' relating to the medical, surgical and hospital services to be furnished in case of injury,'" respectfully report as follows:

That H. B. No. 153, do pass.

HANSON, Chairman."

On motion of Hanson, report adopted.

"Mr. Speaker:

We, your Committee on Workmen's Compensation, having had under consideration H. B. No. 183, introduced by Caplis, "A Bill for an Act entitled: 'An Act to provide for the periodical inspection of elevators operated in places of employment in this State; to require a safety certificate for such operation; to make it a misdemeanor to operate such elevator without such certificate; and to provide for an injunction against such operation if dangerous to the life or safety of employees: to vest in the Industrial Accident Board the power to make such inspections and determine the competency of inspectors and require reports of inspections; to issue such certificates and prescribe maximum fees therefor and to require that the erecting plan of every elevator hereafter installed be submitted for approval to the Industrial Accident Board,'" respectfully report as follows:

That H. B. No. 183, do pass.

HANSON, Chairman."

On motion of Hanson, report adopted.

"Mr. Speaker:

We, your Committee on Workmen's Compensation, having had under consideration H. B. No. 193, introduced by Cady, "A Bill for an Act entitled: 'An Act to amend Sections 2840, 2849, 2914, 2920, 2940, 2994 and 2995 of Chapter 213 Revised Codes of Montana 1921, known as the 'workmen's compensation act;' relating to compensation plan No. Three, when a public corporation is the employer, duty of governing body of such corporations and manner of determining who are employees of such corporations; defining inherently hazardous occupations; specifying the manner and amount of payment for partial disability and providing payment for percentage of disability, specifying the compensation payable for specific injuries and the basis for making payment thereof; defining the powers of the board and providing notice to employees when coverage is cancelled; providing for deposits by employers under plan Three; designating the manner of making compensation assessments and providing for yearly adjustments based on employers payrolls,'" respectfully report as follows:

That H. B. No. 193, do pass.

HANSON, Chairman."

On motion of Hanson, report adopted.

"Mr. Speaker:

We, your Committee on Labor, having had under consideration H. B. No. 242, introduced by Smethurst, being "A Bill for an Act entitled: 'An Act to amend Section 3071 of the Revised Codes of Montana of 1921, by defining the period of employment of working men or employees of eight hours per day as used herein,'" respectfully report as follows:

That we recommend said H. B. No. 242, do pass.

STONER, Chairman."

On motion of Stoner, report adopted.

The following majority and minority reports of the Committee on Public Health and Sanitary Affairs were received:

"Mr. Speaker:

We, your Committee on Public Health and Sanitary Affairs, having had under consideration, S. B. No. 24, introduced by Committee on Sanitary Affairs, "A Bill for An Act entitled: 'An Act to prevent the procreation of hereditary idiots, feeble-minded, insane, and epileptics who are inmates of state custodial institutions, by authorizing and providing for eugenical sterilization for said inmates,'" respectfully report as follows:

Majority report:

That H. B. No. 24, do pass.

ANDRUS, Chairman  
HAWLEY  
SANDY  
CADY  
McCARTY  
BUCHANAN

"Mr. Speaker:

We, your Committee on Public Health and Sanitary Affairs, having had under consideration, S. B. No. 24, introduced by Committee on Sanitary Affairs, "A Bill for An Act entitled: 'An Act to prevent the procreation of hereditary idiots, feeble-minded, insane, and epileptics who are inmates of state custodial institutions, by authorizing and providing for eugenical sterilization for said inmates.'"

Minority report, respectfully report as follows:

That H. B. No. 24, do not pass.

FULSHER  
KELLY, of Silver Bow  
KENNEDY  
KINVILLE

Moved by Andrus, duly seconded that the Majority report be adopted.

Moved by Kelly of Silver Bow, as a substitute motion, and duly seconded, that the Minority report be adopted.

Question arising on the substitute motion to adopt the Minority report, it failed.

Question arising on the original motion to adopt the Majority report, it carried.

The following Majority and Minority reports of the Committee on Banks and Banking were received:

"Mr. Speaker:

We, the Majority, your Committee on Banks and Banking, having had under consideration H. B. No. 163, introduced by Berryman, McCormack, Larsen of Sheridan, Stoner, Carlson of McCone, Facey, Tierney, Benedict, Duffy, Hoffman, Bosley, Caplis, Cavanaugh, and Zuck, "A Bill for an Act entitled: 'An Act providing for the security of deposits in the banks organized or existing under the laws of Montana, creating the bank depositors' Guaranty Fund of Montana, and providing regulations therefor, and penalties for violation thereof, and to be known as the 'Bank Depositors' Guarantee Law,'" respectfully report as follows:

That H. B. No. 163, be referred back to the House with the recommendation that it do not pass.

TAYLOR  
MYRICK  
RUFFCORN  
BUELL  
WOLD  
KELLY, of Pondera  
BERGSTROM  
POPE  
LEAVENS  
SCHARNIKOW  
JOHNSON



"Mr. Speaker:

We, the Minority, your Committee on Banks and Banking, having had under consideration H. B. No. 163, introduced by Berryman, McCormack, Larsen of Sheridan, Stoner, Carlson of McCone, Facey, Tierney, Benedict, Duffy, Hoffman, Bosley, Caplis, Cavanaugh, and Zuck, "A Bill for an Act entitled: 'An Act providing for the security of deposits in the banks organized or existing under the Laws of Montana, creating the bank depositors' Guaranty Fund of Montana, and providing regulations therefor, and penalties for violation thereof, and to be known as the 'Bank Depositors' Guarantee Law,'" respectfully report as follows:

That H. B. No. 163, be referred back to the House with the recommendation that it do pass.

CAPLIS, Chairman."

Moved by Johnson, duly seconded that the Majority report be adopted.

Moved by Caplis, as a substitute motion, and duly seconded, that the Minority report be adopted.

Question arising on the substitute motion to adopt the Minority report. Upon request of roll call by Larsen of Sheridan, and duly seconded, the substitute motion for the adoption of the minority report failed, the vote being as follows:

Ayes: Benedict, Berryman, Boorman, Bosley, Bray, Buchanan, Caplis, Carlson (McCone), Cavanaugh, Clarke, Dean, Dell, Duffy, Elliott, English, Facey, Fulsher, Hamilton, Hanson, Hoffman, Joffray, Kelly (Silver Bow), Kenyon, Kinville, Larsen (Sheridan), McAfee, McCormack, Oker, Ostby, Peden, Perrine, Pilgeram, Rasmussen, Ridle, Sandy, Smethurst, Stoner, Tierney, Wold, Smith, Zuck, Mr. Speaker. Total—42.

Noes: Andrews, Andrus, Armstrong, Arnold, Baker, Bergstrom, Bernard, Bohling, Brandjord, Bricker, Buell, Burke, Cady, Carlson (Gallatin), Davis (Fergus), Davis (Wibaux), Denny, Flynn, Goodman, Gullidge, Hawley, Johnson, Kelly (Pondera), Kennedy, Larson (Richland), Lease, Leavens, Lemmon, McCarty, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Pope, Rodgers, Roscow, Ruffcorn, Scharnikow, Seidensticker, Spencer, Stoddard, Strange, Taylor, Tawney. Total—47.

Absent and not voting: Buttelman, Cowley, Cronk, Gillette, Gillin, Harris, Holton, Loble, Swift, Terrett, Troy. Total—11.

Question arising on original motion to adopt the Majority report, it carried.

"Mr. Speaker:

We, your Joint Conference Committee, having had under consideration S. B. No. 11, by Healey, "A Bill for An Act entitled: 'An Act to amend Section 1280 and 1282, Revised Codes of Montana of 1921, providing for the distribution of the county high school tax and providing what pupils shall be included in determining attendance,'" beg leave to report as follows:

That the Senate Committee agrees to accept the House Amendment inserted in Section 3, line (4) after the word 'employment' which amendment reads as follows: 'And for reasons of Vocational Training not otherwise available;' the Senate Committee also agrees to accept the amendment in line 22, after the word 'all' that the words 'High School' be inserted.

The House Committee agrees to recede from its amendment made in the Committee of the Whole, striking out the words 'for Maintenance' and inserting in lieu thereof the words, 'all provided for by in Section 1275 of the Revised Codes of Montana of 1921.

HARMON  
PORTER  
CONSER  
GULLIDGE  
BRANDJORD.  
RODGERS

On motion of Gullidge, report adopted.

Mr. Speaker gave notice that he was about to sign House Joint Memorial No. 4, and thereupon signed same.

Mr. Speaker also gave notice that he was about to sign House Bill No. 64 by Goodman, and thereupon signed same.

## INTRODUCTION OF BILLS AND MEMORIALS.

The following bills were introduced, read first and second times and referred to committees as follows:

H. B. No. 283, by Committee on Livestock and Public Ranges: "A Bill for An Act entitled 'An Act to amend Chapter 53 of the Penal Code of the State of Montana of 1921 by adding to Chapter 53 a new Section to be known as Section 11515-A; providing for the proof required in prosecutions for the killing, maiming or poisoning of livestock.'" (Committee on Livestock and Public Ranges.)

H. B. No. 284, by Facey, Denny, Swift and Maury: "A Bill for An Act entitled: 'An Act to appropriate fifteen thousand dollars from the general fund for the purpose of establishing in the state penitentiary at Deer Lodge a Tannery to be operated by convict labor under the guidance of the warden.'" (Committee on Appropriations.)

H. B. No. 285, by Gullidge: "A Bill for An Act entitled: 'An Act to amend Section 443 of the Revised Codes of Montana relative to the allowance of traveling or other expenses of state, county, city, school district, or employees of the state, or any county, or city or any school district.'" (Committee on Education.)

H. B. No. 286, by Stoddard: "A Bill for An Act entitled: 'A Bill to amend Section 3688 of the Revised Codes of Montana, 1921, relating to form and contents of hunting and fishing licenses.'" (Committee on Fish and Game.)

H. B. No. 287, by Caplis and Cavanaugh: "A Bill for an Act entitled: 'An Act to license and regulate the business of making loans in sums of three hundred dollars (\$300.00) or less, secured or unsecured, at a greater rate of interest than ten (10) per centum per annum, prescribing the rate of interest and charge therefor, and penalties for the violation thereof, and regulating the assignment of wages or salaries, earned or to be earned, when given as security for any such loan.'" (Committee on Public Safety.)

H. B. No. 288, by Kenyon by request: "A Bill for An Act entitled: 'An Act to create the county of Hedges, designating its boundaries and providing for its organization and government, and to change the boundaries of Flathead county to conform, thereto.'" (Committee on New Counties and Divisions.)

H. B. No. 289, by Bray and Troy: "A Bill for An Act entitled: 'An Act to amend Section 3880 of the Revised Codes of Montana of 1921, as relating to the 'Public service commission' and providing for the transfer of its powers and duties to the state board of equalization.'" (Committee on Revenue and Taxation.)

H. B. No. 290, by Scharnikow, Oker and Carlson of Gallatin: "An Act entitled: 'An Act fixing the salaries of state officers, state and district judicial officers, and members of the legislature and repealing all acts in conflict therewith.'" (Committee on Ways and Means.)

H. B. No. 291, by Bray and Troy: "A Bill for An Act entitled: 'An Act to amend Sections 3914 of Chapter 261 of the Revised Codes of 1921, creating the Montana Trade Commission, and providing for the transfer of its powers and duties to the commissioner of agriculture.'" (Committee on Agriculture.)

H. B. No. 292, by Bray and Troy: "A Bill for An Act entitled: 'An Act to repeal Sections 3779 to 3815, inclusive, of the Revised Codes of Montana, 1921, creating and describing the powers and duties of the Board of Railroad Commissioners of the State of Montana.'" (Committee on Revenue and Taxation.)

H. B. No. 293, by Scharnikow: "A Bill for An Act entitled: 'An Act fixing the maximum compensation that may be paid to state officials of the various state boards and commissions of the state, their deputies, assistants, clerks and other sub-ordinates and employees, whose compensation is not specifically fixed by law, and repealing all acts and parts of acts in conflict herewith.'" (Ways and Means.)

H. B. No. 294, by Duffy: "A Bill for an Act entitled: 'An Act to protect, the lives, health and morals of women and minor workers, and to establish maximum hours, and minimum wages therefor: authorizing and empowering the industrial accident board to fix such maximum hours and minimum wages and standard conditions of labor for such workers; providing for the appointment of wage conferences and establishing the powers thereof, and repealing all acts and parts of acts in conflict herewith.'" (Committee on Labor.)

H. B. No. 295, by Bray and Troy: "A Bill for an Act entitled: 'An Act to amend Section 3947, Chapter 262 of the Revised Codes of Montana, 1921, creating the Montana Irrigation Commission and providing for the transfer of its powers and duties to the state engineer.'" (Committee on Irrigation and Water Rights.)

H. B. No. 296, by Caplis, Cavanaugh, Andrus, Kelly of Silver Bow, Kinville and McLeod: "A Bill for an Act entitled: 'An Act to authorize and provide for the consolidation and merging of the corporate existence and government of the county of Silver Bow and all cities and towns therein into one municipal corporation and government under the corporate name "city and county of Butte", defining the powers thereof and providing a commission plan of government therefor.'" (Committee on Affairs of Cities.)

H. B. No. 297, by Ruffcorn, Swift, Facey, Strange, Holton, Hanson and Kenyon: "A Bill for An Act entitled: 'An Act providing for the imposition assessment, collection and paying of an income tax on individuals, associations, joint stock companies, common-law companies, business trusts, corporations and insurance companies for the support and maintenance of the public schools of the State of Montana; providing for the apportionment and distribution of such tax in such manner as to make possible the reduction of district special levies for such purposes, the greater equalization of the tax burden and the provision of more nearly equal opportunities in education for children.'" (Committee on Revenue and Taxation.)

H. B. No. 298, by Loble: "A Bill for an Act entitled: 'An Act to amend Section 11847 of the Revised Codes of Montana 1921, relating to the matter of charging different offenses, or different statements of the same offense, under separate counts, in one indictment or information, and relating to the matter of requiring the prosecution to elect between different counts.'" (Committee on Judiciary.)

The Committee on Enrollment reported as follows:

"Mr. Speaker:

We, your Committee on Enrollment wish to report House Bill No. 65, correctly enrolled.

McAFEE, Chairman."

Mr. Speaker gave notice that he was about to sign House Bill No. 65 and thereupon signed same.

#### MOTIONS AND RESOLUTIONS.

Moved by Gullidge, duly seconded that Rule 32 be suspended.

The motion was referred to the Committee on Rules, Joint Rules and Order of Business.

Moved by Gullidge, duly seconded and carried that House Bill No. 126 be taken from General Orders and re-referred to the Committee on Public Health and Sanitary Affairs.

Moved by Gullidge, duly seconded and carried that House Bill No. 218 be taken from General Orders and re-referred to Committee on Education.

Moved by Swift, duly seconded and carried that House Bill No. 81 be made a special order of business for tomorrow at 2 P. M.

Kenyon called up his motion, made and seconded on Friday, to reconsider the action of the House in adopting the report of the Judiciary Committee on House Bill No. 234. Motion carried.

Moved by Kenyon, duly seconded and carried that House Bill No. 234 be re-referred to the Judiciary Committee.



Moved by Bricker, duly seconded and carried that Sub. for House Bill No. 43 be taken from third reading and re-referred to the Committee on Development and Publicity.

Moved by Zuck, duly seconded and carried that House Bill No. 164 now on General Orders be made a special order of business for tomorrow at 3 P. M.

Moved by Goodman, duly seconded and carried that House Bill No. 141 be taken from the calendar for third reading and referred to the Committee on Fish and Game.

Moved by Goodman, duly seconded, that the action of the House in taking substitute for House Bill No. 43 from third reading and referring to committee be reconsidered.

Moved by Boorman, duly seconded and adopted that motion be laid on the table.

Moved by Gullidge, duly seconded and carried that all bills on third reading be read by title and history only, in compliance with notice heretofore given, which covers all bills except House Bills 38 and Sub. for H. B. No. 36.

### THIRD READING OF HOUSE BILLS.

H. B. No. 40, by Facey, having been read three several times, and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Arnold, Baker, Benedict, Bergstrom, Bernard, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Gullidge, Hanson, Harris, Hawley, Hoffman, Holton, Johnson, Kelly (Pondera), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McCarty, McCormack, McLeod, Muchbach, Myrick, Nelson, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Roscow, Ruffcorn, Sandy, Seidensticker, Smethurst, Smith, Spencer, Stoner, Strange, Swift, Taylor, Tawney, Tierney, Wold, Zuck, Hamilton, Mr. Speaker. Total—77.

Noes: Armstrong, Berryman, Burke, Fulsher, Gillin, Goodman, Kelly (Silver Bow), Maury, Murphy, O'Connell, Rodgers, Scharnikow, Stoddard. Total—13.

Absent and not voting: Buell, Buttleman, Cady, Cowley, Cronk, Gillette, Joffray, McAfee, Terrett, Troy. Total—10.

Swift requested, and was granted by unanimous consent, permission that Sub. House Bill No. 36, be read by title, history and section number only.

Sub. H. B. No. 36, by Committee on Revenue and Taxation, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Burke, Buttleman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Tierney, Wold, Zuck, Mr. Speaker. Total—92.

Noes: None.

H. B. No. 125, by Peden, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Burke, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Davis (Fergus), Davis (Wibaux), Dean, Dell, Duffy, Elliott, English, Facey, Fulsher, Gillin, Goodman, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McCarty,

McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoner, Strange, Swift, Taylor, Tawney, Tierney, Wold, Zuck, Mr. Speaker. Total—87.

Noes: Flynn. Total—1

Absent and not voting: Buell, Buttleman, Cowley, Cronk, Denny, Gillette, Gullidge, McAfee, Roscow, Stoddard, Terrett, Troy. Total—12.

H. B. No. 139, by Oker, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Bohling, Boorman, Bosley, Brandjord, Bricker, Buchanan, Burke, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Taylor, Tawney, Tierney, Wold, Zuck, Mr. Speaker. Total—87.

Noes: Berryman, Bray. Total—2.

Absent and not voting: Buell, Buttleman, Cowley, Cronk, Gillette, Gullidge, Johnson, McAfee, Swift, Terrett, Troy. Total—11.

H. B. No. 152, by Goodman, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Burke, Cady, Caplis, Carlson (Gallatin), Cavanaugh, Clarke, Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Flynn, Gillin, Goodman, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kinville, Larson (Richland), Lease, Leavens, Lemmon, Loble, McCarty, McCormack, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Rodgers, Roscow, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Taylor, Tawney, Tierney, Zuck, Mr. Speaker. Total—76.

Noes: Burke, Carlson (McCone), Facey, Fulsher, Kenyon, Larsen (Sheridan), Ridle, Sandy, Stoddard, Wold, Davis (Fergus). Total—11.

Absent and not voting: Buell, Buttleman, Cowley, Cronk, Gillette, Gullidge, McAfee, McLeod, Ruffcorn, Strange, Swift, Terrett, Troy. Total—13.

H. B. No. 38 by Cowley, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bricker, Buchanan, Burke, Cady, Caplis, Carlson (Gallatin), Cavanaugh, Clarke, Davis (Fergus), Davis (Wibaux), Dean, Dell, Duffy, Elliott, English, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Taylor, Tawney, Tierney, Wold, Zuck, Mr. Speaker. Total—85.

Noes: Carlson (McCone), Facey, McAfee. Total—3.

Absent and not voting: Bray, Buell, Buttleman, Cowley, Cronk, Denny, Gillette, Oker, Ruffcorn, Swift, Terrett, Tierney. Total—12.

H. B. No. 52, by Bernard, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Baker, Bernard, Bohling, Boorman, Brandjord, Bricker, Buell, Cady, Carlson (McCone), Davis (Wibaux), Denny, Elliott, Facey, Flynn, Goodman, Gullidge, Hanson, Harris, Hawley, Hoffman, Joffray, Johnson, Kenyon, Kinville, Lease, Leavens, Lemmon, Loble, McLeod, Maury, Murphy, Nel-



son, Peden, Perrine, Pope, Rasmussen, Roscow, Sandy, Scharnikow, Smith, Spencer, Stoddard, Taylor, Tawney, Wold, Mr. Speaker. Total—49.

Noes: Armstrong, Benedict, Bergstrom, Bosley, Burke, Caplis, Carlson (Gallatin), Cavanaugh, Clarke, Davis (Fergus), Dean, Dell, Duffy, English, Fulsher, Gillin, Hamilton, Kelly (Pondera), Kennedy, Larson (Richland), Larsen (Sheridan), McAfee, McCormack, Mushbach, Myrick, O'Connell, Oker, Ostby, Pilgeram, Rodgers, Smethurst, Stoner. Total—32.

Absent and not voting: Arnold, Berryman, Bray, Buttelman, Cowley, Cronk, Gillette, Holton, Kelly (Silver Bow), McCarty, Ridle, Ruffcorn, Seidensticker, Strange, Swift, Terrett, Tierney, Troy, Zuck. Total—19.

H. B. No. 130, by Bosley, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Bohling, Boorman, Bosley, Brandjord, Bricker, Buchanan, Buell, Burke, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, Facey, Flynn, Fulsher, Gillin, Goodman, Hamilton, Hanson, Harris, Hawley, Hoffman, Joffray, Kelly (Pondera), Kelly (Silver Bow), Kenedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Murphy, Mushbach, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Taylor, Tawney, Tierney, Wold, Zuck, Mr. Speaker. Total—83.

Noes: Bernard, English, Gullidge, Maury. Total—4.

Absent and not voting: Andrew, Bray, Buttelman, Cowley, Cronk, Gillette, Holton, Johnson, Myrick, Ruffcorn, Swift, Terrett, Troy. Total—13.

H. B. No. 142, by Boorman, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Bohling, Boorman, Bosley, Brandjord, Bricker, Buchanan, Buell, Burke, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Davis (Fergus), Davis (Wibaux), Dean, Dell, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Joffray, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, Oker, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Taylor, Tawney, Tierney, Wold, Zuck, Mr. Speaker. Total—85.

Noes: Denny. Total—1.

Absent and not voting: Bernard, Bray, Buttelman, Cowley, Cronk, Gillette, Holton, Johnson, O'Connell, Ostby, Ruffcorn, Swift, Terrett, Troy. Total—14.

H. B. No. 147, by Committee on Agriculture, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Baker, Benedict, Bergstrom, Berryman, Bohling, Boorman, Bosley, Brandjord, Bricker, Buchanan, Buell, Burke, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Davis (Fergus), Davis (Wibaux), Dean, Dell, Duffy, Elliott, English, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Sandy, Roscow, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Taylor, Tierney, Zuck, Mr. Speaker. Total—83.

Noes: None.

Absent and not voting: Arnold, Bernard, Bray, Buttelman, Cowley, Cronk, Denny, Facey, Gillette, Hoffman, O'Connell, Ruffcorn, Swift, Tawney, Terrett, Tray, Wold. Total—17.

H. B. No. 172, by Tawney, Strange, Pope, Brandjord, Elliott and Nelson, having been read three several times, and title and history agreed to, was passed by the following vote:



Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Bohling, Boorman, Bosley, Brandjord, Bricker, Buchanan, Burke, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Davis (Fergus), Davis (Wibaux), Dean, Dell, Duffy, Elliott, English, Facey, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Kelly (Pondera), Kelly (Silver Bow), Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Strange, Taylor, Tierney, Wold, Zuck, Mr. Speaker. Total—81.

Noes: McAfee. Total—1.

Absent and not voting: Bernard, Bray, Buell, Buttleman, Cowley, Cronk, Denny, Flynn, Gillette, Johnson, Kennedy, O'Connell, Ruffcorn, Stoner, Swift, Tawney, Terrett, Troy. Total—18.

Sub. for H. B. No. 69, by Committee on Education, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bricker, Buchanan, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Kelly (Silver Bow), Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McCarty, McLeod, Maury, Murphy, Mushbach, Myrick, Oker, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Strange, Taylor, Tawney, Tierney, Wold, Zuck, Mr. Speaker. Total—78.

Noes: Armstrong, Burke, Kelly (Pondera), Kennedy, McAfee. Total—5.

Absent and not voting: Bray, Buell, Buttleman, Cowley, Cronk, Fulsher, Gillette, Johnson, McCormack, Nelson, O'Connell, Ostby, Ruffcorn, Stoner, Swift, Terrett, Troy. Total—17.

Moved by Cady, duly seconded and carried that House Bill No. 208 be taken from General Orders and be referred to the Committee on Highways.

Moved by Gullidge, duly seconded and carried that the House resolve itself into a Committee of the Whole; that all bills be read by history, title and section number only, and that debate be limited to five minutes.

Caplis in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole, having had under consideration bills on general orders, respectfully report back with the recommendation that:

H. B. No. 61, that the enacting clause be stricken out.

Sub. for H. B. No. 101, be amended as follows:

"Section 1 by striking out in line 28 thereof the words and figures "Six per cent (6%)" and by inserting in lieu thereof the words and figures "five per cent (5%)."

Section 1 by inserting after the word "together" in line 9 the words "with all unpaid taxes thereon and together."

And when so amended, do pass.

H. B. No. 162, be re-referred to Committee on State Boards and Officers.

H. B. No. 177, do pass.

H. B. No. 182, do pass.

H. J. M. No. 3, do pass.

H. B. No. 8, be amended as follows:

Amend title by adding at the end the words "and providing for a referendum upon this Act."

And when so amended, do pass.

H. B. No. 108, do not pass.

H. B. No. 146, be amended as follows:

Section 3, lines 2 and 3 by striking out the words "after the transfer has been made from the War Defense Interest and Sinking Fund to the State General Fund" and inserting the words "after March 20, 1923."

And when so amended, do pass.

H. B. No. 173, be referred to the Judiciary Committee.

H. B. No. 192 be amended as follows:

Section 1 by striking out in line 14 the words "an offense against this Act" and inserting in lieu thereof the words "a misdemeanor."

And when so amended, do pass.

H. B. No. 120, be placed at head of list on General Orders tomorrow.

Sub. for H. B. No. 110, be amended as follows:

The title by striking the following words: "Creating a contingency allotment fund and placing it under the direction and control of the State Board of Examiners; providing for the allotment of said fund."

And when so amended, do pass.

H. B. No. 200, be amended as follows:

Section 2 by striking out in line 27 the words "and boundaries."

And when so amended, do pass.

CAPLIS, Chairman."

Moved by Caplis, duly seconded that report be adopted.

Moved by McCarty, duly seconded that House Bill No. 108 be segregated from the report of the Committee of the Whole and placed on general orders.

McCarty having requested roll call, duly seconded, the motion carried, the vote being as follows:

Ayes: Andrus, Arnold, Bergstrom, Bernard, Bohling, Boorman, Bray, Buchanan, Buell, Carlson (Gallatin), Carlson (McCone), Davis (Wibaux), Dean, Denny, Facey, Flynn, Hamilton, Harris, Hawley, Holton, Johnson, Kenyon, Kinville, Lease, Leavens, Lemmon, Loble, McCarty, McCormack, McLeod, Maury, Murphy, Myrick, Oker, Perrine, Pope, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smith, Stoddard, Swift, Taylor. Total—47.

Noes: Andrew, Armstrong, Baker, Benedict, Berryman, Bosley, Brandjord, Bricker, Burke, Cady, Caplis, Cavanaugh, Clarke, Davis (Fergus), Dell, Duffy, Elliott, English, Fulsher, Gillin, Goodman, Gullidge, Hanson, Hoffman, Joffray, Kelly (Silver Bow), Kennedy, Larson (Richland), Larsen (Sheridan), McAfee, Mushbach, Nelson, O'Connell, Ostby, Pilgeram, Rasmussen, Smethurst, Spencer, Stoner, Strange, Tawney, Tierney, Wold, Peden. Total—44.

Absent and not voting: Buttleman, Cowley, Cronk, Gillette, Kelly (Pondera), Terrett, Troy, Zuck, Mr. Speaker. Total—9.

Moved by Duffy, duly seconded that House Bill No. 8 be segregated from the Committee of the Whole report and placed on general orders at the foot of the list.

Facey having requested a roll call, duly seconded, motion failed, the vote being as follows:

Ayes: Baker, Benedict, Bosley, Bray, Buchanan, Caplis, Carlson (McCone), Cavanaugh, Duffy, Facey, Goodman, Hoffman, Holton, Joffray, Larsen (Sheridan), McAfee, McCormack, Myrick, Ostby, Perrine, Pilgeram, Sandy, Smethurst, Stoner, Strange, Swift, Tawney, Tierney. Total—28.

Noes: Andrew, Andrus, Armstrong, Arnold, Bergstrom, Bernard, Berryman, Bohling, Boorman, Brandjord, Bricker, Buell, Burke, Cady, Carlson (Gallatin), Clarke, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Elliott, English, Flynn, Fulsher, Gillin, Gullidge, Hamilton, Hanson, Harris, Hawley, Johnson, Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Lease, Leavens, Lemmon, Loble, McLeod, Maury, Murphy, Muchbach, Nelson, O'Connell, Oker, Peden, Pope, Rasmussen, Ridle, Rodgers, Roscow, Scharnikow, Seidensticker, Smith, Spencer, Stoddard, Taylor, Wold. Total—61.

Absent and not voting: Buttleman, Cowley, Cronk, Gillette, Kelly (Pondera), McCarty, Ruffcorn, Terrett, Troy, Zuck, Mr. Speaker. Total—11.

The question then arising on the motion to adopt the report of the Committee of the Whole, same carried.

The Committee on Printing reported as follows:

"Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bills Nos. 196, 233, 239, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman."

Boorman gave notice that on tomorrow he will make a motion that all bills on third reading be read by history, title and section number only, unless reading of any bill at length is at that time requested.

Moved by Kinville, duly seconded and carried that the House adjourn until Tuesday, February 13, at 10:30 A. M.

CALVIN CRUMBAKER, Speaker.

Attest: JAMES A. SHOEMAKER, Chief Clerk.

## FORTY-FOURTH DAY

House of Representatives,  
February 13, 1923.

House convened pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Upon roll call all members present except Gillette, excused.

The Committee on Journal reported as follows:

"Mr. Speaker:

We, your Committee on Journal, have this day examined the Journal for the 43rd Legislative day and found the same correct.

BUCHANAN, Chairman."

Report adopted.

## COMMUNICATIONS AND PETITIONS

### COMMUNICATIONS FROM THE SENATE

"Helena, Montana, February 12, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that on motion of Senator Stewart, Chairman of the Judiciary Committee, that the action by which House Bill No. 27 was recommended for non-concurrence be reconsidered and that said bill be recalled from the House and re-referred to the Committee on Constitutional Amendments.

Very respectfully,

J. F. CONE, Secretary of the Senate."

Moved by Gullidge, that request of Senate be granted duly seconded and carried.

"Helena, Montana, February 13, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following House bills were this day considered in the committee of the Whole:

House Bill No. 106, introduced by Committee on Public Morals Committee of the Whole recommend that bill be not concurred in report adopted, and bill is herewith returned to the House.

House Bill No. 63, introduced by Scharnikow, Committee of the Whole recommend that the enacting clause be stricken. Report adopted and bill is herewith returned.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 13, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 94, introduced by Larson was this day read third time, and con-



currred in as amended, title agreed and is herewith returned to the House for concurrence in Senate amendments.

Amendment: Strike all of line 4 of printed bill and insert in lieu thereof the words "Of any calendar year." Also House Bill No. 103, introduced by Bricker, was read third time and concurred in, title agreed to, and is herewith returned to the House.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 13, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Senate bills were this day read third time, and passed, title agreed to and are herewith transmitted to the House for concurrence.

Senate Substitute for Senate bill No. 105, introduced by committee on Roads and Highways.

Senate Bill No. 103, introduced by Speer.

Senate Bill No. 64, introduced by Stewart of Meagher.

Very respectfully,

J. F. CONE, Secretary of the Senate."

Moved by Boorman, duly seconded and carried that the following Senate communications be considered read at length.

"Helena, Montana, February 12, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that following Standing Committees reported this day as follows: Report adopted.

Committee on Banks and Banking. Senate Bill No. 150, introduced by Committee on Banks and Banking.

Amend by striking out the words "For faithful performance of duty," in line 19 and inserting a comma (,) after the word agent at the end of line 21 and strike out the period now used after the word "agent" in said line. And insert after the word "agent" the following, "And such agent or solicitor shall be personally liable on his bond for any loss accruing to any person with whom such agent or solicitor enters into a contract for or on behalf on any building and loan association by misrepresenting any condition of such contract." And as amended recommend that same do pass.

Committee on Agriculture: Senate Bill No. 104, introduced by Peterson. Recommend that same do pass.

Committee on Agriculture: Senate Bill No. 133, introduced by Watson. Recommend that same do not pass.

Committee on Education: Senate Bill No. 142, introduced by Pomeroy. Recommend that same do pass.

Committee on Education: Senate Bill No. 149, introduced by Main. Recommend that same do pass.

Committee on Dairy and Dairying: Senate Bill No. 132, introduced by Committee on Dairy and Dairying. Recommend that same do pass.

Corporations other than Municipal: Senate Bill No. 151, introduced by Church. Recommend that same do pass.

Committee on Judiciary: House Joint Resolution No. 1, introduced by Ridle. Return without recommendation and on motion placed on general file.

Judiciary Committee: House Bill No. 52, introduced by Greening. Recommend that bill be amended by striking out in line 1, of section 1, the words, "May be" and by striking out in line 2 of said section the words, "And when so given." And as amended bill do pass.

Committee on Judiciary: Senate Bill No. 137, introduced by Cowan, be amended by numbering the sub-division beginning with the words, "All persons" with a "1" and by adding sub-division 2 reading as follows, "Guardians, executors, administrators, and trustees, residing in the State;" and by adding sub-division 3 reading as follows, "Domestic corporations, by their duly authorized agents."

And as amended do pass.

Joint Conference Committee, having had under consideration House Amendments to Senate Bill No. 11 by Healy report as follows:

That the Senate committee agrees to accept the House amendments inserted in Section 3, line 4, after the word, "Employment" which amendment read as follows: "And for reasons of vocational training not otherwise available"; The Senate Committee also agreed to accept the amendment in line 22, after the word "all" that the words, "High Schools" be inserted. The House Committee agrees to recede from its amendment made in the committee of the Whole striking out the words, "For maintenance" and inserting in lieu thereof, the words, "as provided for by in Section 1275 of the Revised Codes of Montana of 1921."

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 12, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following motion was this day made and carried: A copy is herewith transmitted for your consideration:

Mr. President: I move you that the House be notified that under Rule 40 of the Senate no bills transmitted by the House to the Senate after the fiftieth day will be considered, nor will the Senate transmit bills to the House after the fiftieth day of the session with the exception of Appropriation Bills as provided in Section 21, Article 5, of the Constitution, and bills considered by joint conference committees, and these bills having been referred to the conference committees on or before the fiftieth day.

Bills from said committees may be transmitted up to and including the sixtieth day.

Very Respectfully,

J. F. CONE, Secretary of the Senate."

"February 12, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee of the Whole to whom was referred business on General File, reported and recommended as follows; report adopted.

That S. B. No. 17 do pass.

That Senate Substitute for Senate Bill No. 27 be amended in Section 1 by striking out the enacting clause.

That House Bill No. 34 be concurred in.

That House Bill No. 49; consideration of same be passed.

House Bill No. 55, consideration of same be passed.

House Bill No. 63, be amended in Section 1 by striking out the enacting clause.

House Bill No. 83 be amended by inserting after the word "Town" in line 2, the words, "Except land owned by the United States." And as amended be concurred in.

House Bill No. 87 be concurred in.

House Bill No. 89; consideration be passed.

House Bill No. 106, be amended in Section 1 by striking out the enacting clause.

House Joint Resolution No. 1 be concurred in.

Very Respectfully,

J. F. CONE, Secretary of the Senate."

"February 12, 1923.

## NOTICES.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following notices were this day presented:

By Mears: "An Act defining the meaning of 'property,' 'value of property' 'taxable value' and 'assessed value' and other expressions in the limitations upon levying, or in any statute, law, or rule imposing, taxes in the State of Montana."

By Watson: "An Act repealing Section 4741 and 4742 of the Political Code of the R. C. M. for 1921, and providing for the classification of counties for the purpose of regulating the compensation and salaries of county officers, and for fixing the penalties of officers' bonds."

By Page: "An Act to amend Section 11084 of the Revised Codes of 1921 relating to intoxicating liquors, the regulations covering their manufacture, sale and use."

By Hazelbaker: "An Act to provide for the letting of contracts for public printing, fixing the prices therefor, providing for an undertaking for the faithful performance of such contracts, providing a penalty for violation of this Act and repealing Section 4482 of the Revised Codes of Montana of 1921."

By Hazelbaker: "An Act providing for the consolidation of county offices upon a vote of the qualified electors of the county and providing for the holding of an election for said purpose."

By Hazelbaker: "An Act providing a Commission Manager plan of government for counties providing for the election of officers therein, defining their powers and duties and providing for their compensation."

Very Respectfully,

J. F. CONE, Secretary of the Senate."

"February 12, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were this day introduced, read first and second times, and referred to the following committees:

Senate Bill No. 152, by Leuthold: "An Act re-establishing and defining that part of the boundary line between Stillwater County and Carbon County, State of Montana, running from the southeast corner of Section sixteen, Township five south, Range Eighteen east, to the southeast corner of the southwest quarter of the southwest quarter of section twenty-one, Township four South, Range twenty East, M. P. M."

Referred to Committee on New County Divisions.

Senate Bill No. 153, by Committee on Libraries: "An Act to amend Sections 4565, 4566, and 4567 of the Revised Codes of Montana of 1921, with reference to the creation and establishing of County Free Libraries and providing for the management and control thereof and for the appointment of a librarian and the appointment of a Board of Trustees to manage, operate and control the County Free Library and providing rules and regulations therefor."

Referred to Committee on Counties and Towns.

Senate Bill No. 154, by Griffin: "An Act to amend Section 2211 of the Revised Codes of Montana of 1921, relating to redemption from tax sale and payment of tax by incumbrance."

Referred to Committee on Judiciary.

Senate Bill No. 155, by Demel: "An Act conferring upon the Councils of cities and towns owning public cemeteries, power to create cemetery boards with jurisdiction to regulate and control such cemeteries, and conferring upon such Councils power to define the duties of such boards."

Referred to Committee on Counties and Towns.

Senate Bill No. 156, by Committee on Banks and Banking: "An Act to amend Sections 6071 and 6074 of the Revised Codes of Montana of 1921, relating to reports of State Banks to the Superintendent of Banks."

Referred to Committee on Banks and Banking.

Senate Bill No. 157, by Walker: "An Act to amend Subdivision 2 of Section 6537 of the Revised Codes of 1921, relating to leases, sales and mortgages of railroad equipment and rolling stock, and providing that the same shall be filed for record in the office of the Secretary of State."

Referred to Committee on Judiciary.

Senate Joint Memorial No. 6, by Demel, Pauline, Watson and Garber: "Memorial to the Congress of the United States to enact such legislation providing



for the forty year plan, to meet construction, operation and maintenance charges of Government Reclamation Projects."

Referred to Committee on Federal Relations.

Very Respectfully,

J. F. CONE, Secretary of the Senate."

### OTHER COMMUNICATIONS

A communication from the Public Service Commission was received, and on motion of Bricker, considered read at length.

A communication from the United Farmers of Montana was read.

### NOTICES.

Authors gave notice that they will on tomorrow or some subsequent date introduce bills as follows:

"Helena, Montana, February 13, 1923.

Mr. Speaker:

I hereby give notice that I will on tomorrow or some subsequent day, introduce a bill entitled: "An Act to amend Sections 217 and 221 of the Revised Codes of Montana 1921, relating to the fees of the State Examiner." By Buell.

By Oker: "A Bill for an Act entitled: 'An Act providing for the rental of the mineral oil and gas rights in state lands, and providing for the power of the State Board of Land Commissioners relative to the leasing of said lands'."

### REPORTS OF STANDING COMMITTEES.

The following reports from Standing Committees were received:

"Mr. Speaker:

We, your Committee on Revenue and Taxation, having had under consideration, House Bill No. 292, by Bray and Troy, being, "A Bill for an Act entitled: 'An Act to repeal Sections 3779 to 3815, inclusive, of the Revised Codes of Montana, 1921, creating and describing the powers and duties of the Board of Railroad Commissioners of the State of Montana,'" respectfully report as follows:

That H. B. No. 292, do pass.

SWIFT, Chairman."

On motion of Swift, report adopted.

"Mr. Speaker:

We, your Committee on Revenue and Taxation, having had under consideration, H. B. No. 289, by Bray and Troy, being "A Bill for an Act entitled: 'An Act to amend Section 3880 of the Revised Codes of Montana of 1921, as relating to the Public Service Commission and providing for the transfer of its powers and duties to the State Board of Equalization'" respectfully report as follows:

That H. B. No. 289, do pass.

SWIFT, Chairman."

On motion of Swift, report adopted.

"Mr. Speaker:

We, your Committee on Revenue and Taxation, having had under consideration, H. B. No. 297, by Ruffcorn, Swift, Facey, Strange, Holton, Hanson and Kenyon, being "A Bill for an Act entitled: 'An Act providing for the imposition, assessment, collection and paying of an income tax on individuals, associations, joint-stock companies, common-law companies, business trusts, corporations and insurance companies for the support and maintenance of the public schools of the State of Montana; providing for the apportionment and distribution of such tax in such manner as to make possible the reduction of district special levies for such purposes, the greater equalization of the tax burden and the provision of more nearly equal opportunities in education for children,'" respectfully report as follows:

That H. B. No. 297, do pass.

SWIFT, Chairman."

On motion of Swift, report adopted.

"Mr. Speaker :

We, your Committee on Constitutional Amendments, having had under consideration, H. B. No. 88, introduced by Committee on Agriculture, "A Bill for an Act entitled: 'An Act to amend Article XII of the Constitution of the State of Montana relating to revenue and taxation, by adding a new section thereto providing for the levying of taxes for the purpose of insuring growing crops against loss or damage by hail'," respectfully report as follows:

That H. B. No. 88, do pass.

BAKER, Chairman."

On motion of Baker, report adopted.

"Mr. Speaker :

We, your Committee on Constitutional Amendments, having had under consideration, H. B. No. 212, introduced by Facey, "A Bill for an Act entitled: 'An Act for the submission to the qualified electors of the State of Montana of an amendment to Section 1 of Article V of the Constitution of the State of Montana relating to the legislative department'," respectfully report as follows:

That H. B. No. 212, be reported out without recommendation.

BAKER, Chairman."

On motion of Baker, report adopted.

"Mr. Speaker :

We, your Committee on Constitutional Amendments, having had under consideration, H. B. No. 144, introduced by Loble, "A Bill for an Act entitled: 'An Act to submit to the qualified electors of the State of Montana an amendment to Section 2 of Article V of the Constitution of the State of Montana providing that members of the House of Representatives shall be elected for a term of four years'," respectfully report as follows

That H. B. No. 144, be reported out without recommendation.

BAKER, Chairman."

On motion of Baker, report adopted.

"Mr. Speaker :

We, your Committee on Constitutional Amendments, having had under consideration, H. B. No. 145, introduced by Loble, "A Bill for an Act entitled: 'An Act to submit to the qualified electors of the State of Montana an amendment to Section 6 of Article V of the Constitution of the State of Montana, providing for meetings of the Legislative Assembly to be held every four years'," respectfully report as follows:

That H. B. No. 145, be reported out without recommendation.

BAKER, Chairman."

On motion of Baker, report adopted.

"Mr. Speaker :

We, your Committee on Constitutional Amendments, having had under consideration, H. B. No. 39, introduced by Cowley, "A Bill for an Act entitled: 'An Act for the submission to the qualified electors of the State of Montana of an amendment to Section 13 of Article XII of the Constitution of the State of Montana, as amended; relating to the preparation, verification and filing of the quarterly report of the State Treasurer and eliminating that portion of said section which requires the publication of said report'," respectfully report as follows:

That H. B. No. 39, be reported out without recommendation.

BAKER, Chairman."

On motion of Baker, report adopted.

Moved by Carlson of Gallatin, duly seconded and carried, that House Bill No. 39, be printed and placed on general orders.

Moved by Loble, duly seconded, that House Bills Nos. 144 and 145 be printed and placed on general orders.

Wold asked for divisions of questions.

Question being put as to House Bill No. 144, it carried.

Question being put as to House Bill No. 145, it carried.

Moved by Facey, duly seconded that House Bill No. 212 be printed and placed on General Orders.

Roll call being requested by Facey, duly seconded, the motion failed, the vote being as follows:

Ayes: Bergstrom, Bernard, Bray, Bricker, Carlson (McCone), Clarke, Elliott, Facey, Hanson, Harris, Holton, Kinville, Larsen (Sheridan), McCormack, Myrick, Oker, Perrine, Pilgeram, Ruffcorn, Sandy, Smethurst, Stoner, Strange, Swift, Tawney, Tierney, Mr. Speaker. Total—27.

Noes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bohling, Boorman, Bosley, Brandjord, Buchanan, Buell, Burke, Buttleman, Cady, Caplis, Carlson (Gallatin), Cavanaugh, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, English, Gillin, Fulsher, Goodman, Gullidge, Hamilton, Hawley, Hoffman, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Larson (Richland), Lease, Leavens, Lemmon, Loble, McAfee, McLeod, Maury, Murphy, Mushbach, Nelson, Ostby, Rasmussen, Ridle, Rodgers, Roscow, Scharnikow, Seidensticker, Smith, Spencer, Stoddard, Peden, Taylor, Terrett, Troy, Wold, Zuck. Total—64.

Absent and not voting: Berryman, Cowley, Cronk, Duffy, Flynn, Gillette, McCarty, O'Connell, Pope. Total—9.

“Mr. Speaker:

We, your Committee on Fish and Game, having had under consideration, H. B. No. 154, introduced by Fulsher, “A Bill for an Act entitled: ‘An Act to establish a game preserve in a portion of Mineral County, for the protection of game animals and birds, to be known as Little St. Joe Game Preserve, and providing penalties for the killing, hunting, trapping, and pursuing any game animals or birds in such preserve, or the carrying of fire-arms therein,’” respectfully report as follows:

That H. B. No. 154, be reported back with the recommendation that it do pass.

CADY, Chairman.”

On motion of Cady, report adopted.

“Mr. Speaker:

We, your Committee on Fish and Game, having had under consideration, H. B. No. 243, introduced by Carlson of McCone, “A Bill for an Act entitled: ‘An Act to amend Section 3761 of the Revised Codes of Montana 1921, concerning the Snow Creek Game Preserve,’” respectfully report as follows:

That H. B. No. 243, be reported back with the recommendation that it do pass.

CADY, Chairman.”

On motion of Cady, report adopted.

“Mr. Speaker:

We, your Committee on Fish and Game, having had under consideration, H. B. No. 181, introduced by Pilgeram, “A Bill for an Act entitled: ‘An Act to amend Section 3701 of the Revised Codes of Montana of 1921 relating to the open season for grouse, etc.’” respectfully report as follows:

That H. B. No. 181, be reported back with the recommendation that it do pass.

CADY, Chairman.”

On motion of Cady, report adopted.

“Mr. Speaker:

We, your Committee on Education, having had under consideration, H. B. No. 30, introduced by Cowley, “A Bill for an Act entitled: ‘An Act amending Sections 194 and 195 and repealing Section 196 of the Revised Codes of Montana of 1921, all relating to the administration of moneys received for the support of state institutions,’” respectfully report as follows:

That H. B. No. 30, be reported back, with amendments, without recommendation.

GULLIDGE, Chairman.”



Moved by Gullidge, that report be adopted and be printed and placed on general orders.

"Mr. Speaker:

We, your Committee on Education, having had under consideration, H. B. No. 31, introduced by Cowley, "A Bill for an Act entitled: 'An Act to amend Section 1089 Revised Codes of Montana 1921, relating to fees for teachers' certificates,'" respectfully report as follows:

That H. B. No. 31, do not pass.

GULLIDGE, Chairman."

On motion of Gullidge, report adopted.

"Mr. Speaker:

We, your Committee on Education, having had under consideration H. B. No. 32, introduced by Cowley, "A Bill for an Act entitled: 'An Act repealing Section 860 of the Revised Codes of Montana of 1921 relating to the refunding of fare to students at the University of Montana,'" respectfully report as follows:

That H. B. No. 32, do not pass.

GULLIDGE, Chairman."

On motion of Gullidge, report adopted.

"Mr. Speaker:

We, your Committee on Education, having had under consideration, H. B. No. 285, introduced by Gullidge, "A Bill for an Act entitled: 'An Act to amend Section 443 of the Revised Codes of Montana relative to the allowance of traveling or other expenses of state, county, city, school district, or employees of the state, or any city or any school district,'" respectfully report as follows:

That H. B. No. 285, be re-referred to Committee on Townships and Counties.

GULLIDGE, Chairman."

On motion of Gullidge, report adopted.

"Mr. Speaker:

We, Your Committee on Judiciary, having had under consideration H. B. No. 195 by McCormack, entitled: "A Bill for an Act entitled: 'An Act authorizing the establishment of fiscal agencies for the payment of bonds and bond interest coupons which are issued by the State of Montana and all counties, cities, towns, school districts, boards of education, irrigation districts or other municipalities of the State of Montana: prescribing the regulations to govern the same, and repealing all Acts and parts of Acts in conflict herewith,'" respectfully report as follows:

That H. B. No. 195, do pass.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, Your Committee on Judiciary, having had under consideration H. B. No. 265, by Davis of Wibaux, entitled: "A Bill for an Act entitled: 'An Act to amend Section 2235, Revised Codes of Montana, 1921, relating to the sale of unredeemed property for delinquent taxes by County Commissioners'" respectfully report as follows:

That H. B. No. 265, do not pass.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Livestock and Public Ranges, having had under consideration, H. B. No. 283, introduced by Committee on Livestock and Public Ranges, being "A Bill for an Act entitled: 'An Act to amend Chapter 53 of the Penal Code of the State of Montana of 1921, by adding to Chapter 53 a new section to be known as Section 11515-A; providing for the proof required in prosecutions for the killing, maiming or poisoning of livestock,'" respectfully report as follows:

That we recommend that H. B. No. 283, do pass.

LEAVENS, Chairman."

On motion of Leavens, report adopted.

"Mr. Speaker:

We, your Committee on Livestock and Public Ranges, having had under consideration, S. B. No. 72, introduced by Committee on Stock Growing and Grazing, being "A Bill for an Act entitled: 'An Act to define wild animals and to provide for their destruction, authorizing co-operation between the Livestock Commission and the Biological Survey of the United State Department of Agriculture, providing for the disposition of furs, skins, and specimens from animals destroyed, authorizing the Tax Commission, or the Department of State whose duty it is to fix tax levies annually, to prescribe a levy against livestock, providing for the powers and duties of the Livestock Commission relative to the provisions of this Act, and repealing Sections 3407, 3408, 3409, 3410, 3411, 3412, 3413, 3415, 3416, and 3417 of the Revised Codes of the State of Montana, 1921, and amending Section 2081 of the Revised Codes of the State of Montana, 1921, relative thereto,'" said bill having been amended by the addition of the following section:

"Section 41½. The Livestock Commission may, at their discretion, pay such bounty for the destruction of wild animals at such times of the year as they deem advisable," and as so amended, your Committee recommends:

That said S. B. No. 72 be concurred in.

LEAVENS, Chairman."

On motion of Leavens, report adopted.

"Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration, S. B. No. 73, "A Bill for an Act entitled: 'An Act to transfer the balance in the 'H. L. Hart, Trustee, Langhorne House Account' Fund to the 'Livestock Commission Fund' for the use of the Livestock Commission,'" respectfully report as follows:

That S. B. No. 73, do pass.

ARNOLD, Chairman."

On motion of Peden, report adopted.

"Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration, S. B. No. 4, by Duncan, "A Bill for an Act entitled: 'An Act abolishing the office of the State Parole Commissioner and repealing Sections 12516 to 12518 inclusive of the Revised Codes of Montana of 1921,'" respectfully report as follows:

That S. B. No. 4, do pass.

ARNOLD, Chairman."

On motion of Arnold, report adopted.

"Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration, Substitute for S. B. Nos. 1 and 19, "A Bill for an Act entitled: 'An Act to fix the time and method of collecting taxes and interest thereon; amending Section 2169, 2171, 2174, 2176, 2180, 2181 and 2182 of the Revised Codes of Montana of 1921, and repealing Sections 2175, 2177, 2183, and 2188 of the Revised Codes of Montana of 1921, all relating to the collection of taxes,'" respectfully report as follows:

That Substitute for Senate Bills Nos. 1 and 19 recommend that in Section 8 after the word "specifying" in line 1 of the 4th page of the original bill, add the following, "that on or before the last Monday of December and the last Monday of June of each year the County and City Treasurers shall cause to be published in the official news paper of the County for two consecutive weeks, a delinquent tax list, which list shall contain merely the name of the party, whose taxes are delinquent and the total amount due; which total amount shall include the original tax interest penalty and costs at date of publication.

When bill is so amended, we recommend that it be concurred in.

ARNOLD, Chairman."

On motion of Arnold, report adopted.

"Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration, S. B. No. 60, "A Bill for an Act entitled: 'An Act to amend Section 297 of the Revised Codes of Montana, relating to the State Budget'," respectfully report as follows:

That S. B. No. 60, be concurred in.

ARNOLD, Chairman."

On motion of Arnold, report adopted.

"Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration, H. B. No. 216, "A Bill for an Act entitled: 'An Act providing that the Clerk of the Consolidated Boards shall be the Ex-officio State Parole Commissioner and providing the duties of said Commissioner'," respectfully report as follows:

That H. B. No. 216, do pass.

ARNOLD, Chairman."

On motion of Arnold, report adopted.

"Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration, H. B. No. 278, "An Act to amend Section 4725 of the Revised Codes of the State of Montana of 1921, being part of Chapter 24 of Part IV of the Political Code of the State of Montana, relating to county officers and their enumeration and qualification'," respectfully report as follows:

That H. B. No. 278, do pass.

ARNOLD, Chairman."

On motion of Arnold, report adopted.

"Mr. Speaker:

We, your Committee on Education, having had under consideration H. B. No. 218, introduced by Committee on Education, "A Bill for an Act entitled: 'An Act to repeal Sections 1113, 1114, 1115, 1116, 1117, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131 and 1132 of the Revised Codes of Montana of 1921, and to provide for the distribution of all funds in the hands of the State Treasurer of the State of Montana belonging to the public school teachers' retirement salary fund and the public school teachers' permanent fund,'" respectfully report as follows:

That H. B. No. 218, do not pass, but that Substitute House Bill No. 218, "A Bill for an Act entitled: 'An Act to amend and to add to Chapter 88 of the Political Codes of Montana 1921, a section to be known as 1132A providing who shall be entitled to receive a teachers' retirement salary,'" do pass.

GULLIDGE, Chairman."

On motion of Gullidge, report adopted.

Substitute for House Bill No. 218, by the Committee on Education was read first and second times by title and history only and referred to the Committee on Printing.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration H. B. No. 129, by Bosley, "A Bill for an Act entitled: 'An Act to amend Chapter 56, Part IV, of the Political Codes of the State of Montana, Section 5226 and 5238 Revised Codes of Montana 1921, relative to special improvement districts in cities and towns,'" beg leave to report back with the recommendation that House Bill No. 129, do not pass, but that Substitute for House Bill No. 129 "A Bill for an Act entitled: 'An Act to amend Chapter 56, Part IV of the Political Codes of the State of Montana, Sections 5226 and 5238 Revised Codes of Montana 1921, relating to special improvement district in cities and towns,'" be printed and placed on General Orders.

KENYON, Chairman."

On motion of Kenyon, report adopted.

Substitute for House Bill No. 129, by the Committee on Judiciary, was read first and second times by title and history only and referred to Committee on Printing.



"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration H. B. No. 250, by Scharnikow, entitled: "An Act amending Sections 6453 and 6455 of the Revised Codes of Montana of 1921, relating to the formation of religious, fraternal, benevolent, and charitable corporations, 'beg leave to report back with the recommendation that House Bill No. 250 do not pass, but that Substitute for House Bill No. 250, entitled, "An Act amending Section 6453, 6454, and 6455 of the Revised Codes of Montana of 1921, relating to the formation of religious, fraternal, benevolent and charitable corporations," be printed and placed on General Orders.

KENYON, Chairman."

On motion of Kenyon, report adopted.

Substitute for House Bill No. 250, by the Committee on Judiciary, was read first and second times by title and history only and referred to Committee on Printing.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration H. B. No. 107, by McCarty, entitled, "An Act to amend Section 5430 of the Revised Codes of Montana 1921, relating to the care and burial of indigent, sick or injured persons; providing for the services of a physician and the payment of the expenses thereof," beg leave to report back with the recommendation:

That H. B. No. 107, do not pass, that that Substitute for H. B. No. 107, entitled, "An Act to amend Section 5430 Revised Codes of Montana 1921, relating to the care and burial of the indigent, sick or injured persons; providing for the services of a physician and the payment of the expenses thereof," be printed and placed on General Orders.

KENYON, Chairman."

On motion of Kenyon, report adopted.

Substitute for House Bill No. 107, by Committee on Judiciary, was read first and second times by title and history only and referred to Committee on Printing.

#### INTRODUCTION OF BILLS AND MEMORIALS.

The following Senate bills were introduced, read first and second times, by title and history only and referred to committees as follows:

Sub. S. B. No. 105, by Committee on Roads and Highways: "A Bill for an Act entitled: 'An Act creating a State Highway Department, providing for a State Highway Commission, and defining its powers and duties; assenting to the terms of the Federal aid act, transferring certain funds to the general fund of the State, and repealing Sections 1783, 1784, 1785, 1786, 1787 1788, 1789, 1790, 1791, 1792, 1799, 1800 and 1802 of the Revised Codes of Montana of 1921.'" (Committee on Highways.)

Moved by Maury, duly seconded and carried that the Highway Committee be ordered to report on Sub. S. B. No. 105 at the opening of House tomorrow morning.

S. B. No. 103, by Speer: "A Bill for an Act entitled: 'An Act to amend Section 5993, Revised Codes of Montana, 1921, relating to manner of making capital stock of domestic corporations assessable.'" (Committee on Townships and Counties.)

S. B. No. 64, by Stewart of Meagher: "A Bill for an Act entitled: 'An Act to amend Sections 2238 and 2239 of the Revised Codes of Montana of 1921, relating to the collection of personal property taxes.'" (Committee on Townships and Counties.)

Permission to introduce bills without previous notice was unanimously granted to the following:

Hoffman, Committee on Ways and Means, Bergstrom, Kenyon, Ruffcorn, Fulsher, Smith, Larsen of Sheridan, Leavens, Oker.

Boorman requested and was granted, with unanimous consent, permission to introduce a bill tomorrow without previous notice.

The following House bills were introduced, read first and second times, by title only, and referred to committees as follows:

H. B. No. 299, by Flynn and Andrus: "A Bill for an Act entitled: 'An Act amending Sections 6902, 6903 and 6904 of the Revised Codes of the State of Montana of 1921, relating to the release of record of oil, gas and mineral leases and to actions to compel such release and to the making of demand for such release.'" (Committee on Judiciary.)

H. B. No. 300, by Smith: "A Bill for an Act entitled: 'An Act prescribing and defining the duties and powers of the State Engineer in connection with the adjudication and administration of the water right laws of the State of Montana, fixing his salary and that of his assistants, providing for the appointment by him of an assistant and employees, and for appointment by him of water commissioners and fixing their compensation, providing for the keeping and certifying of records by the State Engineer, providing for returns to be made annually to county assessors by water right claimants of rights claimed by them to the use of the waters of this State, and for the levying and collection of a water right license tax upon such claimed water rights, and for certain public records based upon such returns, and for presumptions of law based upon such returns, and for presumption of abandonment based upon failure of such water right claimants to make such returns, and prescribing the duties of county assessors, county treasurers, county clerks and recorders and the State Engineer with reference to such returns, records and water right license taxes, and for payment of a part of such license taxes to the State Treasurer to be by him placed in a fund known as State Engineer's water right fund, from which to pay the salaries and expenses of the State Engineer, his assistant and employees, and water commissioners appointed by him, and providing for the adjudication of water rights upon complaint of the State Engineer filed in the district court, and the procedure in connection therewith, and for the making of rules and regulations and orders and determinations thereunder by the State engineer respecting the nature, extent or priority of rights, and the distribution and use of water, and for appeals to the district court by parties dissatisfied with same, or with the action of said State Engineer thereunder, and procedure in connection therewith.'" (Judiciary Committee.)

H. B. No. 301, by Smith: "A Bill for an Act entitled: 'An Act amending Sections 206, 7089, 9959, 9960 and 9961 of the Revised Codes of Montana of 1921, relating to the proceedings in escheated estates.'" (Judiciary Committee.)

H. B. No. 302, by Smethurst: "A Bill for an Act entitled: 'An Act to amend Sections 2317 and 2328 of the Revised Codes of Montana, 1921, relating to coal mines and dealers license tax.'" (Committee on Revenue and Taxation.)

H. B. No. 303, by Bricker, Kenyon and Scharnikow: "A Bill for an Act entitled: 'An act to appropriate money for the construction of a children's pavilion at the State Tuberculosis Sanitarium at Galen, Montana.'" (Committee on Appropriations.)

H. B. No. 304, by Gullidge and Spencer: "A Bill for an Act entitled: 'An Act to authorize the discontinuance of county high schools, specifying a procedure therefor and prescribing the method of disposing of the property of such high schools and of caring for their obligations in the event of such abolishment.'" (Committee on Education.)

H. B. No. 305, by Davis of Wibaux, Pilgeram, Bergstrom, Hoffman, Bosley and Boorman and Ruffcorn: "A Bill for an Act entitled: 'An Act to amend Section 8814 of the Revised Codes of Montana 1921, relating to salaries of district judges.'" (Committee on Ways and Means.)

H. B. No. 306, by Oker: "A Bill for an Act entitled: 'An Act providing for the rental of the mineral, oil and gas rights in State lands, and providing for the powers of the State Board of Land Commissioners relative to the leasing of said lands.'" (Committee on State Lands.)

H. B. No. 307, by Davis of Wibaux: "A Bill for an Act entitled: 'An Act to amend Section 4037 Revised Laws of Montana, 1921, relating to the granting to stock-brokers of permit to do business.'" (Judiciary Committee.)

H. B. No. 308, by Larsen of Sheridan: "A Bill for an Act entitled: 'An Act making the Commissioner of Agriculture, Labor and Industry ex-officio the

Trade Commissioner of Montana for the regulation and control of public mills as defined in this act engaged in the manufacture and production of flour bran and other grain products; prescribing the manner in which such public mills shall be regulated and controlled; prohibiting unreasonable and unjust charges or tolls for services rendered by such public mills; providing penalties for the violation of the provisions of this act, and repealing Sections 3914, 3916, 3919, 3920, 3921, 3923, 3924, 3925, 3926, 3927, 3928, 3929, 3932, 3935, 3936, 3937, 3938, 3939, 3940, 3941, 3942, 3944, and 3946 of the Revised Codes of Montana 1921." (Committee on Agriculture.)

H. B. No. 310, by Hoffman: "A Bill for an Act entitled: 'An Act to amend Section 3312 of the Revised Codes of Montana of 1921, relating to livestock inspectors and detectives, providing for their compensation, and repealing all acts and parts of acts in conflict herewith.'" (Committee on Ways and Means.)

H. B. No. 311, by Hoffman: "A Bill for an Act entitled: 'An Act to amend Sections 3262 and 3264 of Chapter 234 of the Revised Codes of Montana, 1921, relating to the State Veterinary Surgeon, Deputy Veterinary Surgeons, and inspectors of livestock sanitary board, providing for their compensation, and repealing all acts and parts of acts in conflict herewith.'" (Committee on Ways and Means.)

H. B. No. 312, by Leavens by request: "A Bill for an Act entitled: 'An Act to amend Section 1998 of the Revised Codes of Montana of 1921, relating to exemptions from taxation.'" (Committee on Judiciary.)

H. B. No. 314, by Ruffcorn: "A Bill for an Act entitled: 'An Act requiring every railroad operating within the State to keep at each station thereof a 'car order book' providing the form thereof; making such car order book a public record subject to inspection; providing the manner of distributing cars ordered among the persons, firms or corporations ordering the same; providing for a quarterly report thereof to the State Board of Railroad Commissioners; making the violations of any provisions of this act a misdemeanor, and providing a penalty therefor.'" (Committee on Agriculture.)

H. B. No. 315, by Larsen of Sheridan: "A Bill for an Act entitled: 'An Act to amend Section 632 of the Revised Codes of Montana of 1921, fixing the date for holding primary election.'" (Committee on Privileges and Elections.)

H. B. No. 316, by Larsen of Sheridan: "A Bill for an Act entitled: 'An Act to establish a game preserve in a portion of Sheridan county for the protection of game animals and birds, to be known as the Plentywood Game Preserve, and providing penalties for the killing, hunting, trapping and pursuing any game animals or birds in such preserve, or the carrying of fire-arms therein.'" (Committee on Fish and Game.)

The following bills were introduced, read first and second times, and referred to committees as follows:

H. B. No. 309, by Fulsher, by request: "A Bill for an Act entitled: 'An Act to appropriate \$773.92 to W. D. Delphy in settlement for expenses incurred during the years 1918, 1919, 1920 while serving in the capacity of State Game Warden.'" (Committee on Appropriations.)

H. B. No. 313, by Ruffcorn: "A Bill for an Act entitled: 'An Act making an appropriation for the State Board of Equalization and State Treasurer to defray the cost and expense of administering and enforcing the income tax law during the fiscal year ending June 30, 1923.'" (Committee on Appropriations.)

The Committee on Printing reported as follows:

"Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bills Nos. 201, 217, 231, 240, 259, 266, 268, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman."

The following resolution was offered by Boorman:

Whereas, The House of Representatives has learned with regret of the death of Nels J. Ness, one of its trusted employees:



Therefore, Be It Resolved, That we convey to the bereaved family our heartfelt sympathy in this, their hour of trial;

Be it Further Resolved, That this resolution be spread upon our Journal, and that a copy be furnished to the family of the deceased.

BOORMAN.

Moved by Boorman, duly seconded and carried that the resolution be adopted, spread on the Journal and a copy be furnished the family of the deceased.

Moved by Gullidge, duly seconded and carried that the House recess until 1:30 p. m.

#### AFTERNOON SESSION

House resumed at 1:30 p. m.

Mr. Speaker in the chair.

#### INTRODUCTION OF BILLS AND MEMORIALS.

The following bills were introduced, read first and second times, by title only, and referred to committees as follows:

H. B. No. 317, by Troy: "An Act requiring suit for foreclosure of a mechanic's lien to be brought upon demand of the owners of property affected thereby." (Judiciary Committee.)

H. B. No. 318, by Committee on Ways and Means: "A Bill for an Act entitled: 'An Act to provide for the payment of compensation into the industrial administrative fund of the State of Montana if an employee covered by compensation, as provided by Chapter 213 Revised Codes Montana, 1921, known as the 'workmen's compensation act' dies as a result of injury and there is no liability for payment, or when the liability for such payment is removed and providing for the appropriation and use of such money after its payment into the industrial administrative fund of the State of Montana.'" (Committee on Workmen's Compensation.)

H. B. No. 319, by McCormack, Stoner and Larson: "A Bill for an Act entitled: 'An Act to repeal Sections 1580, 1581 and 1582 of the Revised Codes of Montana of 1921, relating to the holding of an annual State Fair.'" (Committee on Agriculture.)

H. B. No. 320, by Cavanaugh and Kelly of Silver Bow: "A Bill for an Act entitled: 'An Act to amend Section 3202 of the Revised Codes, relating to the possession and control of drugs.'" (Committee on Public Health and Sanitary Affairs.)

H. B. No. 321, by Ruffcorn, Bray and Hoffman: "A Bill for an Act entitled: 'An Act providing for the appointment of a supreme court reporter, prescribing his powers and duties, fixing his salary and compensation and repealing Sections 378 and 379 of the Revised Codes of Montana of 1921.'" (Committee on State Boards and Officers.)

H. B. No. 322, by Bosley: "A Bill for an Act entitled: 'An Act to provide for the suspension of the acceptance of further compensation coverage under Plan Two of the workmen's compensation law, as provided in Chapter 213 Revised Codes of Montana 1921.'" (Committee on Workmen's Compensation.)

The Committee on Ways and Means requested and was granted, with unanimous consent, further time to report on House Bill No. 191.

Smethurst demanded call of the House, which was duly seconded by fifteen members.

Moved by Smith, duly seconded and carried that further action under call of the House be dispensed with.

## MOTIONS AND RESOLUTIONS.

Moved by Swift, duly seconded that House Bill No. 81, be recalled from General Orders and be referred to the Committee on Revenue and Taxation for amendment.

Maury having requested a roll call, duly seconded, the motion carried, the vote being as follows:

Ayes: Andrus, Arnold, Baker, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Buell, Cady, Carlson (McCone), Clarke, Cowley, Cronk, Davis (Wibaux), Dean, Elliott, Facey, Flynn, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kenyon, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, McAfee, McCarty, McCormack, McLeod, Myrick, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Mr. Speaker. Total—67.

Noes: Andrew, Armstrong, Benedict, Burke, Buttelman, Caplis, Carlson (Gallatin), Cavanaugh, Davis (Fergus), Dell, Denny, Duffy, English, Fulsher, Goodman, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kinville, Loble, Maury, Murphy, Mushbach, Nelson, O'Connell, Oker, Ridle, Rodgers, Roscow, Zuck. Total—30.

Absent and not voting: Gillette, Gillin, Stoddard. Total—3.

Moved by Hamilton, duly seconded and carried that House Bill No. 108, be placed on General Orders.

Moved by Goodman, duly seconded that Substitute for House Bill No. 43 be taken from the Committee on Development and Publicity and placed on third reading at the head of the list.

Moved by Boorman that the motion be laid upon the table.

Roll call demanded by Kelly of Pondera, duly seconded.

Call of the House demanded by Goodman, seconded by at least fifteen members.

Moved by Loble, duly seconded and carried that further action under call of the House be dispensed with.

The roll being called, the motion to table failed, the vote being as follows:

Ayes: Andrus, Baker, Bernard, Boorman, Bray, Bricker, Cady, Carlson (McCone), Clarke, Facey, Hanson, Harris, Holton, Johnson, Larson (Richland), Larsen (Sheridan), McAfee, McCormack, Perrine, Seidensticker, Stoner, Strange, Swift, Wold, Mr. Speaker. Total—25.

Noes: Andrew, Armstrong, Arnold, Benedict, Bergstrom, Berryman, Bohling, Bosley, Brandjord, Buchanan, Buell, Burke, Buttelman, Caplis, Carlson (Gallatin), Cavanaugh, Cowley, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Flynn, Fulsher, Goodman, Gullidge, Hamilton, Hawley, Hoffman, Joffray, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Lease, Leavens, Lemmon, Loble, McCarty, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, McConnell, Oker, Ostby, Peden, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Smethurst, Smith, Spencer, Stoddard, Taylor, Tawney, Terrett, Troy, Zuck, Tierney. Total—73.

Absent and not voting: Gillette, Gillin. Total—2.

Moved by Pope, duly seconded and carried that the motion of Goodman be amended by including that it be placed at the head of the list on General Orders and made a special order of business for today at 2:30 P. M.

Question then arose on motion that Sub. for H. B. No. 43 be taken from the Committee on Development and Publicity, placed on General Orders at the head of the list and made a special order of business for 2:30 P. M. today. Carried.

Smethurst moved, duly seconded, that House Bill No. 28 be recalled from the Committee on Education and placed at the head of the list on third reading.

Caplis demanded a roll call, duly seconded, and upon said roll call, the motion carried, the vote being as follows:

Ayes: Andrew, Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Bosley, Bray, Buchanan, Buell, Burke, Buttelman, Caplis, Carlson (Gallatin), Carlsen (McCone), Cavanaugh, Clarke, Cowley, Davis (Fergus), Dean, Dell,

Denny, Duffy, Elliott, English, Flynn, Fulsher, Goodman, Hamilton, Joffray, Kelly (Pondera), Kelly (Silver Bow), Kinville, Larsen (Sheridan), Lemmon, Loble, McAfee, McCarty, McLeod, Maury, Murphy, Mushbach, Nelson, O'Connell, Oker, Ostby, Pilgeram, Rasmussen, Ridle, Rodgers, Roscow, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Taylor, Tawney, Terrett, Tierney, Troy, Zuck. Total—65.

Noes: Bernard, Bohling, Boorman, Bricker, Cady, Cronk, Davis (Wibaux), Facey, Gullidge, Harris, Hawley, Hoffman, Holton, Johnson, Kennedy, Kenyon, Larson (Richland), Lease, Leavens, McCormack, Myrick, Peden, Perrine, Pope, Ruffcorn, Sandy, Strange, Swift, Wold, Mr. Speaker, Andrus, Brandjord, Hanson. Total—33.

Absent and not voting: Gillette, Gillin. Total—2.

Moved by Smith, duly seconded and carried that House Bill No. 300 be taken from the Judiciary Committee and referred to the Committee on Irrigation and Water Rights.

Moved by Loble, and duly seconded that the select committee appointed to investigate State Prohibition forces be required to report not later than tomorrow.

Moved by Boorman, as a substitute, duly seconded and carried that the Committee be given until the 50th day to report.

Moved by Swift, duly seconded and carried that the consideration of House Bill No. 196 be made a special order of business for tomorrow at 11:00 A. M.

Moved by Wold, duly seconded and carried that Senate Bill No. 12 be taken from General Orders and referred to Committee on Insurance.

#### SPECIAL ORDER.

#### CONSIDERATION OF GENERAL ORDERS WITH RESPECT TO SUBSTITUTE FOR H. B. 43.

Moved by Gullidge, duly seconded and carried, that House resolve itself into a Committee of the Whole for the consideration of General Orders; that all bills be read by title, history and section number only, open to amendment, and that the committee itself be judged as to how much debate there shall be allowed thereon.

Cavanaugh in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole, having had under consideration bills on General Orders, respectfully report back with the recommendation that:

Sub. for H. B. No. 43, be amended as follows:

Section 1, by adding thereto the words: "Such advertisement for bids shall be made at least once each year."

Also Section 2, by striking out all of said Section and inserting in lieu thereof the words: "Section 2. After the Treasurer's report is received and verified by the Governor, publication of the State Treasurer's report shall be immediately published once as news matter in six point type in one newspaper printed at the seat of government, in the newspaper to whom the contract for printing such reports is awarded as provided in this act."

Also Section 3, by adding to the same as previously amended the words: "and no contract shall be let at a price greater than the price bid by such lowest responsible bidder nor greater than the current price of printing charged private persons and corporations nor greater than the maximum price established by law for state printing."

Also Section 4, by striking out the words "until the time" at the end of line 1 and 1st of line 2 and inserting in lieu thereof the words "For one year" by striking out the words "the State printing" in line 2 and inserting in place thereof the word "said." Also by striking out all of lines 4, 5, 6, and 7 and inserting in place thereof the words "each contract when made shall be in effect and continue for the period of one year."



By adding "Section 6. All acts and parts of acts in conflict herewith are hereby repealed."

And when so amended, do pass, and be placed at the head of third reading and be considered engrossed, but that same be engrossed before being sent to the Senate.

CAVANAUGH, Chairman."

On motion of Cavanaugh, report adopted.

#### SPECIAL ORDER.

#### CONSIDERATION OF GENERAL ORDERS WITH RESPECT TO H. B. NO. 64.

Moved by Myrick, duly seconded and carried that House resolve itself into a Committee of the Whole for consideration of Special and General Orders.

Cavanaugh in the chair.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole, having had under consideration bills on General Orders, respectfully report back with the recommendation that:

H. B. No. 164, be amended as follows:

Section 4, by striking out in line 2 the word "such" and inserting in lieu thereof the word "each."

Also by striking out the words wherever they appear in the bill the words "Board of County Examiners" and inserting in lieu thereof the words "Board of County Educational Examiners."

And when so amended, do pass.

H. B. No. 120, be amended as follows:

By adding to Section 3 the following: "Provided, however, that this act shall not be so construed as to authorize or direct the compiling of statistics relating to forests, when the facts sought are already established by the Federal Government or other agencies."

By striking out in Section 8 thereof in subdivision of said section all of lines 21, 22, 23, 24, 25, 26, and the first seven words in line 27, terminating with the word "forester", and also by striking out in the same subdivision all of lines 32, except the first word thereof, and all of lines 33, 34 and 35.

Also Section 9 by striking out in line 47 of paragraph E the words "his judgment require it" and insert in lieu thereof the words "the judgment of the State Board of Land Commissioners requires it."

By striking out in Section 12 all that part of line 6 beginning with the word "of" and also by striking out all of the lines 7 and 8 and by inserting in lieu thereof the words "containing such information relating to state forests as he may demand."

And when so amended, do pass.

H. B. No. 111, do pass.

CAVANAUGH, Chairman.

Moved by Cavanaugh and duly seconded, that report be adopted.

Moved by Caplis, duly seconded that House Bill No. 111 be segregated from the report of the Committee.

Caplis, having asked for a roll call, duly seconded, the motion to segregate failed the vote being as follows:

Ayes: Boorman, Bosley, Bray, Caplis, Carlson (McCone), Cavanaugh, Duffy, English, Facey, Holton, Kelly (Silver Bow), Larsen (Sheridan), Loble, McAfee, McCormack, Myrick, Ostby, Peden, Perrine, Pilgeram, Pope, Rodgers, Ruffcorn, Smethurst, Stoddard, Stoner, Strange, Swift, Tawney, Tierney, Troy. Total—31.

Noes: Andrew, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bohling, Brandjord, Bricker, Buchanan, Burke, Buttelman, Cady, Carlson (Gallatin), Clarke, Davis (Fergus), Dean, Dell, Denny, Elliott, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Johnson, Kennedy, Kenyon, Kinville, Larson (Richland), Lease, Lemmon, McCarty, McLeod, Maury, Murphy, Mushbach, Nelson, O'Connell, Rasmussen, Ridle, Roscow, Sandy, Scharnikow, Seidensticker, Smith, Spencer, Taylor, Mr. Speaker. Total—54.

Absent and not voting: Andrus, Bernard, Berryman, Buell, Cowley, Cronk, Davis (Wibaux), Gillette, Joffray, Kelly (Pondera), Leavens, Oker, Terrett, Wold, Zuck. Total—15.

The motion of Cavanaugh to adopt report carried.

Upon request of Hamilton, and with unanimous consent, the Journal Clerk was instructed to record her vote as "Aye" on House Bill No. 40, instead of being record as absent.

The Committee on Printing reported as follows:

"Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bills Nos. 66, 84, 271, 225, 194, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman."

The Committee on Engrossment reported as follows:

"Mr. Speaker:

We, your Committee on Engrossment, to whom was referred House Bills Nos. 8, 146, 177, 182, 192, S. H. B. Nos. 101 110, H. J. M. 3, and H. B. No. 200, beg leave to report same back correctly engrossed.

LARSON of Richland, Chairman."

Mr. Boorman renewed his notice that he would move to dispense with

Moved by Gullidge, duly seconded and carried that the House adjourn until Wednesday, February 14, at 10:00 A. M.

CALVIN CRUMBAKER, Speaker.

Attest: JAMES A. SHOEMAKER, Chief Clerk.

## FORTY-FIFTH DAY

House of Representatives.

February 14, 1923.

House Convened pursuant to adjournment at 10:00 A. M.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Upon roll call all members present except: Gillette, excused.

The Committee on Journal report as follows:

House of Representatives.

February 14th, 1923.

"Mr. Speaker:

We, your Committee, on Journal, have this day examined the Journal for the 44th Legislative day and found the same correct.

BUCHANAN, Chairman."

Report adopted.

## COMMUNICATIONS AND PETITIONS.

"Mr. Speaker:

We your committee on Rules, Joint Rules, and Order of Business having had under consideration a motion by Gullidge that rule 32 relating to notices be suspended for the balance of the session, respectfully report as follows: That the motion be adopted.

BUELL."

On motion of Gullidge, report adopted.

## Communications from the Senate.

Helena, Montana, February 13, 1923.

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 83, introduced by Bosley, was this day amended by inserting in line 2, Section 1, after the word "Land", the following "That separates one platted part of the city from another platted part of the city". Also Amend Section

1 by inserting after the word. "Town" in line 2, the words, "Except land owned by the United States" and as so amended was read third time, concurred in, title agreed to, and is herewith returned to the House for concurrence in Senate amendments.

Very respectfully,  
J. F. CONE, Secretary of the Senate."

Helena, Montana, February 13, 1923.

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bill No. 17, introduced by Leuthold, Dowlin, Peck, Cowan and Speer, was this day read third time and passed, title agreed to and is herewith transmitted to the House for concurrence.

Very respectfully,  
J. F. CONE, Secretary of the Senate."

Helena, Montana, February 13, 1923.

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following House Bills were read third time and concurred in title agreed to and are herewith transmitted to the House.

House Joint Resolution No. 1, introduced by Ridle.

House Bill No. 87, introduced by Bosley.

House Bill No. 34, introduced by Gullidge.

Very respectfully,  
J. F. CONE, Secretary of the Senate."

Helena, Montana, February 13, 1923.

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee of the Whole to whom was referred business on general file report and recommend as follows:

That Senate Bill No. 124, be amended, Section 1, by striking out in line 15, page 2 of the printed bill, the words, "Or of any land owner", and as so amended, bill do pass.

That Senate Bill No. 123 do pass.

That Senate Bill No. 117 do not pass.

That Senate Joint Memorial No. 5, do pass.

Very respectfully,  
J. F. CONE, Secretary of the Senate."

Moved by Gullidge, duly seconded and carried that the following communications be considered read at length:

Helena, Montana, February 13, 1923.

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following motion introduced by Senator Muffly, was duly seconded and carried; Mr. President:

After hearing the report of the special examination committee on state officers and believing that it may be possible the State can recover a portion of the Two Hundred Thousand Dollars that was loaned out on chattel mortgages that have expired and that this Senate is entitled to know the details of this transaction, I therefore move that a committee of three be named by the President to make this investigation and report at an early time to this Senate.

The following Senators were named by the President of the Senate in conformity with the above motion; Peck, Walker and Henderson.

Very respectfully,  
J. F. CONE, Secretary of the Senate."

Helena, Montana, February 13, 1923.

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Senate Bill was this day introduced, read first and second time, and referred to the following committee.

Senate Bill No. 164: introduced by Kane.



"An Act to submit to the qualified electors of the State of Montana an amendment to article twelve (XII) of the Constitution of the State of Montana by repealing and striking out Section (3) of said article twelve (XII) relating to the taxation of mines and mining claims."

Referred to Committee on Constitutional Amendments.

Very respectfully,

J. F. CONE, Secretary of the Senate."

Helena, Montana, February 13th, 1923.

"Mr. Speaker :

I am directed by the Senate to inform your Honorable Body that the Committee of the Whole to whom was referred business on general file reported and recommend as follows:

That House Bill No. 50, introduced by Rogers, be amended in Section 1, page 2, of the original bill by striking out the word, "Bond", at the beginning of line 16. Amend Section 1, page 2, of the original bill by inserting in line 17 after the word, "Bonds", the words, "Or warrants" and insert in line 18. after the word, "Bonds", the words "or wrarants", and as so amended recommend that same be concurred in.

Very respectfully,

J. F. CONE, Secretary of the Senate."

Helena, Montana, February 13th, 1923.

"Mr. Speaker :

I am directed by the Senate to inform your Honorable Body that the following Senate Bills were this day introduced, read first and second time referred to the committee designated in each instance:

Senate Bill No. 158. By Hazelbaker: "An Act to provide for the letting of contracts for public printing, fixing the prices therefor, providing for an undertaking for the faithful performance of such contracts, providing a penalty for the violation of this act, and repealing Section 4482 of the Revised Codes of Montana of 1921." Referred to Committee on Finance and Claims.

Senate Bill No. 159, by Page: "An Act to amend Section 11084 of the Revised Codes of Montana, 1921, relating to intoxicating liquors, the regulation, their manufacture, sale and use." Referred to committee on Judiciary.

Senate Bill No. 160, by Peterson: "An Act providing for the limitation of mortgages on growing crops and the lien thereon, and amending Section 8290 of the Revised Codes of Montana of 1921 relating to said growing crops." Referred to committee on Judiciary.

Senate Bill No. 161, by Coburn: "An Act amending Section 4390 of the Revised Codes of Montana, 1921, relating to the creation of new counties and for the prorating of the debts and assets of such county, and providing for the conforming of all other provisions herein which may be in some particulars in conflict therewith." Referred to committee on New Counties and Divisions.

Senate Bill No. 162, by Watson: "An Act repealing Section 4741 and 4742 of the Political Code of the R. C. M. for 1921, and providing for the classification of counties for the purpose of regulating the compensation and salaries of county officers, and for fixing the penalties of officers' bonds." Referred to committee on Judiciary.

Senate Bill No. 163, by Haaland: "An Act relating to railroads operating in the State of Montana: Requiring such railroads to furnish, on written request, sufficient freight cars for the transportation of property offered for shipment over any railroad line in car load lots, providing a civil liability and criminal penalty for failure so to do and repealing all Acts in conflict herewith." Referred to Committee on Railroads and Transportation.

Respectfully submitted,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 13, 1923.

Mr. Speaker :

I am directed by the Senate to inform your Honorable Body that the following notices were this day presented:

By McQuitty: A Bill for an Act entitled: "An Act providing for the payment of taxes on mortgaged personal property before foreclosure of the mortgage, or sale of the property thereunder."

By McQuitty: A Bill for an Act entitled: "An Act providing for the payment of taxes on mortgaged real property before foreclosure of the mortgage, or sale of the property thereunder."

By Pauline: A Bill for an Act entitled: "An Act to amend Section 11847 of the Revised Codes of Montana 1921 relating to the matter of charging different offenses, or different statements of the same offense under separate counts, in one indictment or information, and relating to the matter of requiring the prosecution to elect between different counts."

By Watson: A Bill for an Act entitled: "An Act providing for separation of schools of deaf, dumb and blind from school for feeble minded and locating school for deaf, etc. in some large center of population."

By Taylor: A Bill for an Act entitled: "An Act to amend Section 4141 of the Revised Codes of Montana of 1921, relating to the compensation of abstracts or by defining fees to be charged for abstracts."

By Taylor: A Bill for an Act entitled: "An Act to amend Section 4767 of the Revised Codes of Montana of 1921, relating to the deposit of public funds, regulating the deposit and investment of same."

Very Respectfully,

J. F. CONE, Secretary of the Senate."

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following is a report of the Standing Committees:

"Committee on New Counties & Divisions." Senate Bill No. 152, introduced by Leuthold, recommend that same do pass.

"Committee on Judicial Districts." Senate Bill No. 138, introduced by Mains. Recommend that same do pass.

"Committee on Banks and Banking." Senate Bill No. 156, introduced by Committee on Banks and Banking. Recommend that same do pass.

"Committee on Federal Relations." Senate Joint Memorial No. 6, introduced by Demel, Pauline, Watson and Garber. Recommend that same do pass.

"Committee on Sanitary Affairs." House Bill No. 137, introduced by Andrus. Recommend that same do pass.

Very Respectfully,

J. F. CONE, Secretary of the Senate."

#### COMMUNICATIONS FROM THE GOVERNOR

"Helena, Montana, February 13, 1923.

The Speaker,

House of Representatives,

Helena, Montana.

I have the honor to advise you that I have this day approved the following House Bill:

No. 57—Relating to fees to be paid to defray the expenses of the State Examiner.

JOS. M. DIXON, Governor."

"Helena, Montana, February 13, 1923.

The Speaker,

House of Representatives,

Helena, Montana.

I have the honor to advise you that I have this day approved the following House Bills:

Joint Memorial No. 4—To the Congress of the United State regarding appropriation for construction of public roads leading into and through national forests, Indian reservations and other public areas.

No. 14—Providing for the amortization plan of payment for state lands.

No. 64—Amending Sections 7147 and 7148 of the Revised Codes of Montana, 1921, relating to the apportionment of fees and expenses of water commissioners.

No. 65—Requiring persons operating motor cars or vehicles to stop after an accident, and requiring such persons to give their true names, residences and license number.

JOS. M. DIXON, Governor."

#### REPORTS OF STANDING COMMITTEES

The following reports of standing committees were received:

Bernard reported that the Committee on Highways last night had under consideration all highway bills and unanimously agreed in committee that a committee bill would be brought out incorporating all of the ideals of the highway bills pending and will be ready to report sometime today, and requests that an extension of time be granted until this afternoon.

Moved by Maury, duly seconded that report be not adopted but that Substitute for Senate Bill No. 105 be placed on General Orders.

Previous question moved by Wold, duly seconded and carried.

A roll call having been requested by Maury, duly seconded, his motion failed, the vote being as follows:

Ayes: Andrew, Armstrong, Arnold, Baker, Benedict, Bosley, Carlson (Galatin), Carlson (McCone), Cavanaugh, Davis (Fergus), Dean, Dell, English, Fulsher, Gillin, Goodman, Hanson, Hoffman, Holton, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kinville, Larson (Richland), Larsen (Sheridan), Lemmon, McCarty, McLeod, Maury, Murphy, Mushbach, O'Connell, Rasmussen, Ridle, Rodgers, Scharnikow, Seidensticker, Stoddard, Stoner, Tawney, Terrett, Troy. Total—42.

Noes: Andrus, Bergstrom, Bernarl, Berryman, Bohling, Boorman, Bray, Bricker, Buchanan, Buell, Burke, Buttleman, Cady, Clarke, Cronk, Davis (Wibaux), Elliott, Facey, Flynn, Gullidge, Hamilton, Harris, Hawley, Joffray, Johnson, Kenyon, Lease, Leavens, Loble, McAfee, McCormack, Myrick, Nelson, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Roscow, Ruffcorn, Sandy, Smethurst, Smith, Spencer, Strange, Swift, Taylor, Tierney, Wold, Zuck, Mr. Speaker. Total—52.

Absent and not voting: Brandjord, Caplis, Cowley, Denny, Duffy, Gillette. Total—6.

"Mr. Speaker:

We, your Committee on Revenue and Taxation, having had under consideration, H. B. No. 81, by Strange, "A Bill for an Act entitled: 'An Act to amend Sections 2346, 2347, 2348, 2350, 2351, and 2352 of Chapter 183, of the Political Code of Montana of 1921, and to impose a license tax based upon the gross value of merchantable ore treated or sold by or from metalliferous mines, in lieu of the license on net proceeds as heretofore provided in said Chapter,'" respectfully report as follows:

That H. B. No. 81, do not pass, but that House Substitute for H. B. No. 81, introduced by Committee on Revenue and Taxation, "A Bill for an Act entitled: 'An Act concerning licenses for revenue purposes; requiring all persons engaging in or carrying on the business of working or operating any mine or mining property in the State of Montana, from which any metals or precious or semi-precious gems or stones of any kind shall be mined, extracted or produced, to pay to the State Treasurer an annual license tax for engaging in and carrying on such business in this State; fixing the amount of such license tax; providing a method for the assessment and collection thereof and the disposition of the proceeds of such license tax; prescribing penalties for violations of the provisions of this Act; and repealing, with certain reservations, Sections 2344 to 2355, inclusive, of the Revised Codes of Montana of 1921,'" do pass.

SWIFT, Chairman."

On motion of Swift, report adopted.

Substitute for House Bill No. 81, by Committee on Revenue and Taxation was read first and second times by title only and referred to the Committee on Printing.



"Mr. Speaker:

We, your Committee on Revenue and Taxation, having had under consideration, H. B. No. 143, by Tawney, "A Bill for an Act entitled: 'An Act proposing a license tax upon every person, corporation or association, owning or operating a railroad wholly or in part within the State of Montana,'" respectfully report as follows:

That H. B. No. 143, is reported out without recommendation.

SWIFT, Chairman."

On motion of Swift, report adopted.

Moved by Tawney, duly seconded and carried that House Bill No. 143 be printed and placed on General Orders.

"Mr. Speaker:

We, your Committee on Revenue and Taxation, having had under consideration, H. B. No. 179, by Tawney, "A Bill for an Act entitled: 'An Act imposing a license tax upon every person, corporation, or association, owning or operating a telephone or telegraph line or system wholly or in part within the State of Montana,'" respectfully report as follows:

That H. B. No. 179, is reported out without recommendation.

SWIFT, Chairman."

On motion of Swift, report adopted.

Moved by Tawney, duly seconded and carried that House Bill No. 179 be printed and placed on General Orders.

"Mr. Speaker:

We, your Committee on Education, having had under consideration H. B. No. 304, introduced by Gullidge and Spencer, "A Bill for an Act entitled: 'An Act to authorize the discontinuance of county high schools, specifying a procedure therefor and prescribing the method of disposing of the property of such high schools and of caring for their obligations in the event of such abolishment,'" respectfully report as follows:

That H. B. No. 304, do pass.

GULLIDGE, Chairman."

On motion of Gullidge, report adopted.

"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration, H. B. No. 303, by Bricker, "An Act to appropriate money for the construction of a children's pavilion at the State Tuberculosis Sanitarium at Galen, Montana,'" respectfully report as follows:

That H. B. No. 303, do pass.

BUELL, Chairman."

On motion of Hawley, report adopted.

"Mr. Speaker:

We, your Committee on Townships and Counties, having had under consideration, H. B. No. 285, introduced by Gullidge, "A Bill for an Act entitled: 'An Act to amend Section 443 of the Revised Codes of Montana relative to the allowance of traveling or other expenses of state, county, city, school district, or employees of the state, or any county, or city or any school district,'" respectfully report as follows:

That H. B. No. 285, be amended by striking out in Line 28, Section 1, the words "that members" and inserting in lieu thereof the words "one member." By amending Section 1, line 30 by striking out the word "their" as it appears before the words "per diem" and as so amended the bill do pass.

SPENCER, Chairman."

On motion of Spencer, report adopted.

"Mr. Speaker:

We, your Committee on Townships and Counties, having had under consideration, H. B. No. 219, introduced by Nelson, "A Bill for an Act entitled: 'An Act authorizing and providing for the consolidation and merging of the corporate existence and government of any county in the State and of all cities and towns

situated therein into one municipal corporation and government, defining the powers thereof and providing a commission-manager plan of government therefor," respectfully report as follows:

That H. B. No. 249, do pass.

SPENCER, Chairman."

On motion of Spencer, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration, H. B. No. 236, by Berryman, entitled: "An Act relating to the sale of real property for delinquent taxes, and to amend Sections 2188, 2217, 2218, 2219, 2220, 2221, 2231, 2232, and 2233 and to repeal Sections 2182, 2183, 2184, 2185, 2186, 2187, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2201, 2202, 2204, 2205, 2206, 2208, 2209, 2212, 2213, 2214, 2215, 2216, 2224, 2225, 2229, and 2230 of the Revised Codes of Montana of 1921," respectfully report as follows:

That H. B. No. 236, be amended by striking out in Section 21, Line 1, Page 12, after the words "such sale," the remainder of the sentence down to and including the word "sale," in Line 9, and insert in lieu thereof the words, "together with twelve per cent interest per annum thereon and when so amended the bill do pass.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration, H. B. No. 168, by Burke, entitled, "An Act to amend the Penal Code by adding to Chapter 25 a section to be known as 'Section 12008A' providing for the selection of alternate jurors in felony cases," respectfully report as follows:

That H. B. No. 168 be amended by inserting in line 12, on page one, after the word "near," the words, "the other jurors," by striking out in line nineteen, page one, the words "custody of the sheriff," and insert in lieu thereof "charge of an officer," strike out in line 21, page one, the word "confinement," and insert in lieu thereof the word, "charge," and in said line 21, strike out the words "except as hereinafter provided," and when so amended the bill do pass.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration, H. B. No. 188, by Fulsher, entitled, "An Act to amend Section 4917 of the Revised Codes of Montana of 1921, relating to the fees of County Clerks," respectfully report as follows:

That H. B. No. 188, do pass.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration, H. B. No. 135, by Buchanan and Berryman, entitled, "An Act to amend Section 4767 of the Revised Codes of Montana of 1921, relating to the deposits of county funds, and repealing Section 5036 of the Revised Codes of Montana of 1921, relating to the deposits of city and town funds," respectfully report as follows:

That H. B. No. 135, do not pass.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Public Health and Sanitary Affairs, having had under consideration, H. B. No. 261, introduced by Committee on Public Health and Sanitary Affairs, "A Bill for an Act entitled: 'An Act to amend Sections 2593 and 2595 of the Revised Codes of Montana of 1921, relating to rests and

analyses to be made by the State Board of Health, making such tests and analyses prima facie evidence of the facts contained therein," respectfully report as follows:

That H. B. No. 261, do not pass.

ANDRUS, Chairman."

On motion of Andrus, report adopted.

"Mr. Speaker:

We, your Committee on New Counties and Divisions, having had under consideration, H. B. No. 241, introduced by Sandy, "A Bill for an Act entitled: "An Act changing the boundary line between Lewis and Clark County and Jefferson County, State of Montana, and amending Sections 4326 and 4328 of the 1921 Revised Codes of the State of Montana'," respectfully report as follows:

That H. B. No. 241, do pass.

CARLSON of Gallatin, Chairman."

On motion of Carlson of Gallatin, report adopted.

Mr. Speaker gave notice that he was about to sign Senate Bill No. 20 and thereupon signed the same.

The Committee on Enrollment reported as follows:

"Mr. Speaker:

We, your Committee on Enrollment wish to report H. B. No. 103 correctly enrolled, on February 13, 1923.

McAFEE, Chairman."

Mr. Speaker gave notice that he was about to sign Senate Bill No. 11 and thereup signed the same.

Mr. Speaker also gave notice that he was about to sign House Bill No. 103 and thereupon signed the same.

"Mr. Speaker:

We, your Committee on Public Health and Sanitary Affairs, having had under consideration, H. B. No. 126, introduced by Andrus, "A Bill for an Act entitled: 'An Act to regulate the practice of pharmacy in the State of Montana and to control and regulate the manufacture, sale and distribution of drugs, chemicals, poisons and potent drugs'," respectfully report as follows:

That H. B. No. 126 be amended as follows: that subdivision "c" of Section 1 in lines 15 and 16 of the original bill be amended by striking out in line 15 the word "conducts" and inserting in lieu thereof the words "deals from" and in line 16 of the original bill insert, after the word "business" the words "or residence," by striking out the word "registered" and inserting in lieu thereof the word "licensed."

Amend Section "5" of the original bill, being page 5 of the bill in line 11 of said page, by striking out the words "and to their standard of strength and purity."

Amend Section "6" of the original bill on page 6 thereof in lines 2 to 5 of said page inclusive, by striking out all of that portion contained within lines 2, 3, 4 and 5 of said page, and inserting in lieu thereof the words "dentists, doctors, physicians and veterinarian" and amending subdivision "d" of said section 6 in line 30 on page 6 of the original Act, by striking out after the words "drug dealers" the following words "when conducting fixed places of business."

Amend subdivision "d" of Section 7, on page 9 of the original Act, line 5 to 10 of page 9, by striking out the whole of subdivision "d" and inserting in lieu thereof the following: "applicants for license as drug dealers, shall be of good moral character, not less than 21 years of age and a resident of, or dealing from a fixed place of business or residence in, the State of Montana."

Amend Section 13 of the original Act on pages 12 and 13, in line 32, on page 12, the word "registered" and on page 13 the words "qualified pharmacists" in line 1 and inserting in lieu thereof the words "qualified jurors."

Amend Section 12 of the original Act in line 26 of Page 11, by striking out the word "or" and inserting the word "and."



Amend Section 6, on page 6 of the original Act by inserting in line "5" on page 6, immediately preceding the word "for" the following: "provided further, that nothing in this Act shall prevent, or apply to, or in any way interfere with the sale by any one of patent or proprietary medicines, or household or domestic remedies, when sold in the original unbroken package when plainly labeled," and as amended we do recommend that the bill do pass.

ANDRUS, Chairman."

Moved by Smethurst, duly seconded and carried that further consideration of House Bill No. 126 be indefinitely postponed.

"Mr. Speaker:

We, your Committee on Labor, having had under consideration H. B. No. 276, introduced by Stoner, being, "A Bill for an Act entitled: 'An Act regulating the number of persons to be engaged or employed in the different kinds of labor, work and services in an underground mine, or working, which is operated or worked through a shaft more than three hundred feet deep, or which is operated or worked through a tunnel more than four hundred feet from the mouth or portal of such tunnel, and providing penalties for the violation thereof,'" respectfully report as follows:

That we recommend that H. B. No. 276, do pass.

STONER, Chairman."

On motion of Stoner, report adopted.

### SPECIAL ORDER

#### CONSIDERATION OF GENERAL ORDERS WITH RESPECT TO H. B. NO. 196.

Moved by Gullidge, duly seconded and carried that the House resolve itself into a Committee of the Whole for the consideration of special and general orders; that all bills be read by title, history and section number only, open to amendment; that the author of each bill be given five minutes to explain the bill and two minutes for defense in case of each amendment proposed and that opponents of each bill be given the same rights; that no one be permitted to grant his time to another speaker.

Lease in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole, having had under consideration bills on special and general orders, respectfully report back with the recommendation that:

H. B. No. 196 be amended as follows: the title by inserting between "2400" and "2402" the figures "2401." The title by striking out the word "and" in line 3.

Section 4, by inserting in line one after the word and figure "Section 4" the following "Section 2401 of the Revised Codes of 1921 is amended to read as follows: Section 2401."

Section 6, by adding after the end of said section: "Provided, that if the tax imposed shall be less than the amount paid, the difference must be refunded to the person making such payment."

Section 6, by striking out in line 8 the word "market."

Section 7, by striking out all beginning with the word "Provided" in line 4.

Section 8, by striking out all of said section after the words "to collect the same" in line 16 of printed bill.

And as so amended, that H. B. No. 196 be recommended in its entirety for passage with the exception of Section 2.

LEASE, Chairman."

On motion of Lease, report adopted.

Moved by Swift, duly seconded and carried that Section 2 of House Bill No. 196 be made a special order of business immediately after the House resumes.

The Committee on Printing reported as follows:

“Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bill No. 219, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman.”

Moved by Gullidge, duly seconded and carried that House recess until 2:15.

### AFTERNOON SESSION

House resumed at 2:00 P. M.

Mr. Speaker in the chair.

Boorman demanded a call of the House, duly seconded by fifteen members.

Moved by Boorman, duly seconded and carried that further action under the call of the House be dispensed with.

### SPECIAL ORDER

#### CONSIDERATION OF GENERAL ORDERS WITH RESPECT TO SECTION 2, OF H. B. NO. 196

Moved by Gullidge, duly seconded and carried that the House resolve itself into a Committee of the Whole for the consideration of Special Order, Section 2 of House Bill No. 196.

Lease in the chair.

Committee arose.

The Committee of the Whole reported as follows:

“Mr. Speaker:

We, your Committee of the Whole, having had under consideration Section 2 of H. B. No. 196, respectfully report back with the recommendation that same be amended by adding the following provisions: “On December 31st of each year the State Treasurer shall transfer to the income for the Public School Fund of the state a sum equal to 25 per cent of the total amount of such license taxes collected during such year, the same to be apportioned in the same way as the other income from the Public School Fund is apportioned, and at the same time the State Treasurer shall also apportion a sum equal to 10 per cent of such license taxes collected during such year to the county high schools of the state on the basis of the aggregate number of days attendance during the preceding school year in each County High School. The remaining 65 per cent of such taxes shall be credited to the General Fund of the State.

Also add a new section to be known as 2a. “2a. Section 2406 of the Revised Codes of Montana of 1921 is hereby repealed.”

Amend the title by adding at the end the words “and repealing Section 2406 of the Revised Codes of Montana of 1921.”

And when so amended, H. B. No. 196, do pass.

LEASE, Chairman.”

On motion of Lease, report adopted.

### REPORTS OF STANDING COMMITTEES

The following reports of standing committees were received:

“Mr. Speaker:

We, seven of your Committee on Appropriations, having had under consideration, H. B. No. 197, introduced by Flynn, Andrus, Sandy, Holton, Larsen of Sheridan, Zuck, Davis of Wibaux, Bergstrom, Clark and Bohling, “A Bill for an Act entitled: ‘An Act establishing the Eastern Montana State Normal College, defining the objects of its establishment, providing for the control, supervision and management thereof, and making the same a part of the University of Montana and making an appropriation for renting, acquiring and equipping the nec-

essary building therefor, and the support, equipment and maintenance of said College," respectfully report as follows:

That H. B. No. 107, be referred back to the House with the recommendation that it do not pass.

BRICKER,  
WOLD,  
JOHNSON,  
HOFFMAN,  
ELLIOTT,  
CRONK,  
BUELL, Chairman."

"Mr. Speaker:

We, seven of your Committee on Appropriations, having had under consideration, H. B. No. 197, introduced by Flynn, Andrus, Sandy, Holton, Larsen, of Sheridan, Zuck, Davis of Wibaux, Bergstrom, Clark and Bohling, "A Bill for an Act entitled: "An Act establishing the Eastern Montana State Normal College, defining the objects of its establishment, providing for the control, supervision and management thereof, and making the same a part of the University of Montana and making an appropriation for renting, acquiring and equipping the necessary building thereof, and for the support, equipment and maintenance of said College," respectfully report as follows:

That H. B. No. 197 be referred back to the House with the recommendation that it be amended by striking out in Section 10, line 6 the words "twenty thousand dollars" and the figures "\$20,000.00" and insert in lieu thereof the words "fifteen thousand dollars" and the figures "\$15,000.00;" and when so amended do pass.

McCARTY,  
CARLSON of Gallatin,  
HAWLEY,  
KELLY,  
LEASE,  
TERRETT,  
LOBLE.

Moved by McCarty, and duly seconded that report signed by herself and others, recommending that bill do pass, be adopted.

Moved by Bricker, as a substitute, duly seconded that the report signed by Buell and others, recommending that bill do not pass, be adopted. Motion failed.

Question arising on the motion of McCarty that report recommending that bill do pass be adopted, the motion carried.

"Mr. Speaker:

We, your Committee on Labor, having had under consideration, H. B. No. 294, introduced by Duffy, being, "A Bill for an Act entitled: 'An Act to protect the lives, health and morals of women and minor workers, and to establish maximum hours, and minimum wages therefor; authorizing and empowering the Industrial Accident Board to fix such maximum hours and minimum wages and standard conditions of labor for such workers; providing for the appointment of wage conferences and establishing the powers thereof, and repealing all Acts and parts of Acts in conflict herewith,'" respectfully report as follows:

That we recommend that H. B. No. 294, do pass.

STONER, Chairman."

On motion of Stoner, report adopted.

"Mr. Speaker:

We, your Committee on Banks and Banking, having had under consideration, H. B. No. 272, introduced by Larsen of Sheridan, "A Bill for an Act entitled: 'An Act to amend Section 7726 of the Revised Codes of Montana of 1921, fixing and prescribing legal rates of interest,'" respectfully report as follows:

That H. B. No. 272, be referred back to the House with recommendation that it do pass.

JOHNSON, Chairman."

On motion of Johnson, report adopted.



"Mr. Speaker:

We, the majority of your Committee on Banks and Banking, having had under consideration, H. B. No. 133, introduced by Dean, "A Bill for an Act entitled: 'An Act for the promotion of thrift and savings, to provide loans for farmers and workers and to authorize the organization of cooperative banks,'" respectfully report as follows:

That H. B. No. 133, be referred back to the House with the recommendation that it do not pass, for the reason that in the opinion of the majority of the committee the present banking laws both National and State provide the necessary means for the organization of banks.

TAYLOR,  
MYRICK,  
BUELL,  
WOLD,  
LEAVENS,  
SCHARNIKOW,  
POPE,  
JOHNSON, Chairman."

On motion of Johnson, report adopted.

"Mr. Speaker:

We, your Committee on Banks and Banking, having had under consideration, S. B. No. 96, introduced by Greening, "A Bill for an Act entitled: 'An Act to amend Section 8412 of the Revised Codes of Montana of 1921, relating to negotiable instruments,'" respectfully report as follows:

That S. B. No. 96, be referred back to the House with the recommendation that it be concurred in.

JOHNSON, Chairman."

On motion of Johnson, report adopted.

"Mr. Speaker:

We, your Committee on Banks and Banking, having had under consideration, S. B. No. 90, introduced by Greening, "A Bill for an Act entitled: 'An Act to fix the limit on stop-payment orders on checks or drafts,'" respectfully report as follows:

That S. B. No. 90, be referred back to the House with the recommendation that it be concurred in.

JOHNSON, Chairman."

On motion of Johnson, report adopted.

"Mr. Speaker:

We, your Committee on Banks and Banking, having had under consideration, S. B. No. 92, introduced by Greening, "A Bill for an Act entitled: 'An Act requiring bank checks to be presented within a year from date thereof,'" respectfully report as follows:

That S. B. No. 92, be referred back to the House with the recommendation that it be amended by striking out in line 10. after the word "presented" the word "for," and as so amended we recommend that it be concurred in.

JOHNSON, Chairman."

On motion of Johnson, report adopted.

"Mr. Speaker:

We, your Committee on Privileges and Elections, having had under consideration H. B. No. 210, introduced by Larsen of Sheridan, "A Bill for an Act entitled: 'An Act to amend Section 105 of the Revised Codes of Montana of 1921, relating to the printing and distribution of measures for initiative and for referendum,'" respectfully report as follows:

That H. B. No. 210, be reported back with the recommendation that the bill do pass.

RUFFCORN, Chairman."

On motion of Ruffcorn, report adopted.

"Mr. Speaker :

We, your Committee on Privileges and Elections, having had under consideration H. B. No. 315, introduced by Larsen of Sheridan, "A Bill for an Act entitled: 'An Act to amend Section 632 of the Revised Codes of Montana of 1921, fixing the date for holding primary election,'" respectfully report as follows:

That H. B. No. 315, be reported back with the recommendation that the bill do pass.

RUFFCORN, Chairman."

On motion of Ruffcorn, report adopted.

"Mr. Speaker :

We, your Committee on Privileges and Elections, having had under consideration H. B. No. 255, introduced by Pilgeram, "A Bill for an Act entitled: 'An Act to amend Section 587 and 588 of the Revised Codes of Montana of 1921 relating to judges of election, how appointed and number of judges to be appointed,'" respectfully report as follows:

That H. B. No. 255 do pass.

RUFFCORN, Chairman."

On motion of Ruffcorn, report adopted.

"Mr. Speaker :

We, your Committee on Judiciary, having had under consideration H. B. No. 173, by Oker and Joffray, entitled, "An Act to amend Chapter 97 of Part three of the Political Code of Montana 1921, by adding two sections thereto to be known as Sections 1203-A and 1203-B, providing for the levying of a poll and capitation tax for school purposes, and disposition of moneys derived from such tax, and providing that Sections 2274-2294 of the Revised Codes of Montana, 1921, shall be applicable in the carrying into effect the provisions of said act,'" respectfully report as follows:

That H. B. No. 173 do not pass.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker :

We, your Committee on Judiciary, having had under consideration H. B. No. 298, by Loble, entitled, "An Act to amend Section 11847 of the Revised Codes of Montana 1921, relating to the matter of charging different offenses, or different statements of the same offense, under separate counts, in one indictment or information, and relating to the matter of requiring the prosecution to elect between different counts," respectfully report as follows:

That H. B. No. 298 do not pass.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker :

We, your Committee on Judiciary, having had under consideration H. B. No. 317, by Troy, entitled, "An Act requiring suit for foreclosure of a mechanic's lien to be brought upon demand of the owners of property affected thereby," respectfully report as follows:

That H. B. No. 317 do pass.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker :

We, your Committee on Judiciary, having had under consideration H. B. No. 274, by Pope, entitled, "An Act relating to and to regulate the granting of new trials and the reversal and setting aside of judgments in criminal cases," respectfully report as follows:

That H. B. No. 274 do pass.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker :

We, your Committee on Judiciary, having had under consideration H. B. No. 301, by Smith, entitled, "An Act amending Sections 206, 7089, 9959, 9960 and 9961 of the Revised Codes of Montana of 1921 relating to the proceedings in escheated estates," respectfully report as follows :

That H. B. No. 274 do pass.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker :

We, your Committee on Judiciary, having had under consideration H. B. No. 46, by Smith, entitled, "An Act declaring every child to be the legitimate child of its natural parents; making such child an heir of such parents, and providing the procedure for establishing such parentage," respectfully report as follows :

That H. B. No. 46 be amended as follows :

Amend the title by striking out the words, "An act declaring every child to be the legitimate child of its natural parents," and insert in lieu thereof the words, "An act legitimatizing a child born out of wedlock," and in Section 2, Line 21, beginning with the word "provided," strike out the words, "Provided that the mother of said child shall not be considered a competent witness in any case where the alleged natural father of said child shall be dead at the time of the trial," and insert in lieu thereof the words, "Provided, that the action must be brought and completed during the life of the alleged natural father and the child shall not be used in court as evidence to prove the likeness of father and child," and in Section 3, Line 29, beginning with the words "but all," strike out, "but all children hereafter born in this State shall be deemed to be legitimate," and insert in lieu thereof the words, "but all children hereafter born out of lawful wedlock in this State, whose parentage have been established shall be deemed to be legitimate," and by adding a new section to be known as Section 5, as follows:

Section 5. This act shall take effect on and after its passage and approval, and that so amended the bill do pass.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker :

We, your Committee on Judiciary, having had under consideration H. B. No. 312, by Leavens, entitled, "An Act to amend Section 1998 of the Revised Codes of Montana of 1921, relating to exemptions from taxation," respectfully report as follows :

That H. B. No. 312 do not pass for the reason that in judgment of this committee the bill is unconstitutional in that it presumes to exempt property in a certain class only.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker :

We, your Committee on Agriculture, having had under consideration H. B. No. 251, introduced by Stoner, "A Bill for an Act entitled: "An Act prohibiting the offering of a consideration or benefit to a member of any co-operative marketing association intended to influence or induce or attempt to influence or induce such member to commit a breach of his contract or agreement with such co-operative marketing association, and providing a penalty for the violation of this act," respectfully report as follows :

That H. B. No. 251 do pass.

McCORMACK, Chairman."

On motion of McCormack, report adopted.

"Mr. Speaker :

We, your Committee on Agriculture, having had under consideration H. B. No. 291, "A Bill for an Act entitled: 'An Act to amend Section 3914 of Chapter 261 of the Revised Codes of Montana of 1921, creating the Montana Trade Com-



mission and providing for the transfer of its powers and duties to the Commissioner of Agriculture," respectfully report as follows:

That H. B. No. 291 do pass.

McCORMACK, Chairman."

On motion of McCormack, report adopted.

"Mr. Speaker:

We, your Committee on Agriculture, having had under consideration H. B. No. 319, introduced by McCormack, "A Bill for an Act entitled: 'An Act to repeal Section 1580, 1581 and 1582 of the Revised Codes of Montana in 1921, relating to the holding of an annual State fair,'" respectfully report as follows:

That H. B. No. 319 do pass.

McCORMACK, Chairman."

On motion of McCormack, report adopted.

"Mr. Speaker:

We, your Committee on Agriculture, having had under consideration H. B. No. 314, introduced by Ruffcorn, "A Bill for an Act entitled: 'An Act requiring every railroad operating within the State to keep at each station thereof a "car order book" providing the form thereof; making such car order book a public record subject to inspection; providing the manner of distributing cars ordered among the persons, firms or corporations ordering the same; providing for a quarterly report thereof to the State Board of Railroad Commissioners, making the violation of any provisions of this act a misdemeanor, and providing a penalty thereof,'" respectfully report as follows:

That we recommend that H. B. No. 314, do pass.

McCORMACK, Chairman."

On motion of McCormack, report adopted.

"Mr. Speaker:

We, your Committee on Agriculture, having had under consideration H. B. No. 308, introduced by Larsen of Sheridan, being "A Bill for an Act entitled: 'An Act making the Commissioner of Agriculture, Labor and Industry ex-officio the Trade Commissioner of Montana for the regulation on and control of public mills as defined in this act engaged in the manufacture and production of flour, bran and other grain products; prescribing the manner in which such public mills shall be regulated and controlled; prohibiting unreasonable and unjust charges or tolls for services rendered by such public mills; providing penalties for the violation of the provisions of this Act, and repealing Sections 3914, 3916, 3919, 3920, 3921, 3923, 3924, 3925, 3926, 3927, 3928, 3929, 3932, 3935, 3936, 3937, 3938, 3939, 3940, 3941, 3942, 3944 and 3946 of the Revised Codes of Montana 1921,'" respectfully report as follows:

That we recommend that said H. B. No. 308, do pass.

McCORMACK, Chairman."

On motion of McCormack, report adopted.

"Mr. Speaker:

We, your Committee on Agriculture, having had under consideration S. B. No. 78, introduced by Oliver, being "A Bill for an Act entitled: 'An Act amending Section 8370 of the Revised Codes of Montana of 1921, relating to the time in which actions for foreclosure of threshermen's liens may be commenced,'" respectfully report as follows:

That we recommend that S. B. No. 78, be concurred in.

McCORMACK, Chairman."

On motion of McCormack, report adopted.

"Mr. Speaker:

We, your Committee on Agriculture, having had under consideration S. B. No. 77, introduced by Oliver, being "A Bill for an Act entitled: 'An Act providing for the payment of filing fees and attorneys' fees in an action for the foreclosure of threshermen's liens, and repealing all acts and parts of acts in conflict herewith,'" respectfully report as follows:

That we recommend that S. B. No. 77, be concurred in.

McCORMACK, Chairman."

On motion of McCormack, report adopted.

"Mr. Speaker :

We, your Committee on Ways and Means, having had under consideration H. B. No. 310, by Hoffman, "A Bill for an Act entitled: 'An Act to amend Section 3312 of the Revised Codes of Montana of 1921, relating to livestock inspectors and detectives, providing for their compensation, and repealing all acts and parts of acts in conflict herewith,'" respectfully report as follows:

That H. B. No. 310, recommend that this bill do not pass.

ARNOLD, Chairman."

Moved by Arnold, duly seconded, that report be adopted.

Moved by Hoffman, as a substitute, duly seconded and carried, that House Bill No. 310 be printed and placed on the desks.

"Mr. Speaker :

We, your Committee on Ways and Means, having had under consideration H. B. No. 293, by Scharnikow, "An Act fixing the maximum compensation that may be paid to State officials of the various State boards and commissions of the State, their deputies, assistants, clerks and other subordinates and employees whose compensation is not specifically fixed by law, and repealing all acts and parts of acts in conflict herewith,'" respectfully report as follows:

That H. B. No. 293, recommend that this bill, do pass.

ARNOLD, Chairman."

On motion of Arnold, report adopted.

"Mr. Speaker :

We, your Committee on Ways and Means, having had under consideration H. B. No. 290, "An Act entitled: 'An Act fixing the salaries of State officers, State and district judicial officers, and members of the legislature and repealing all acts in conflict therewith,'" respectfully report as follows:

That H. B. No. 290, recommend that bill be amended to read as follows: by striking out all of Section 4.

Also in Section 5 by inserting in the second line after the word "instance" the words "except that of justice of the supreme court," and that when bill is so amended that it, do pass.

ARNOLD, Chairman."

On motion of Arnold, report adopted.

"Mr. Speaker :

We, your Committee on Fish and Game, having had under consideration H. B. No. 286, introduced by Stoddard, "A Bill to amend Section 3688 of the Revised Codes of Montana 1921, relating to form and contents of hunting and fishing license,'" respectfully report as follows:

That H. B. No. 286, be referred back to the House with unanimous recommendation that it do pass.

CADY, Chairman."

On motion of Cady, report adopted.

"Mr. Speaker :

We, your Committee on Labor, having had under consideration H. B. No. 275, introduced by Smethurst, being "A Bill for an Act entitled: 'An Act creating a laborer's lien, on the products of his work or labor and upon the property of his employer, for such work and labor and providing for the damages, costs and manner of the enforcement of such laborer's lien,'" respectfully report as follows:

That we recommend that H. B. No. 275, do pass.

STONER, Chairman."

On motion of Stoner, report adopted.

"Mr. Speaker :

We, your Committee on Labor, having had under consideration H. B. No. 262, introduced by Pope, being "A Bill for an Act entitled: 'An Act to provide protection for laborers, material men and sub-contractors, furnishing labor and material for the prosecution of public work; requiring a bond to be furnished by contractors upon public works, to secure the performance of their contracts and the payment of laborers, material men and sub-contractors; prescribing certain

conditions of such public contracts and permitting action to be brought by laborers, material men and sub-contractors upon such bonds," respectfully report as follows:

That we recommend that H. B. No. 262, do pass.

STONER, Chairman."

On motion of Stoner, report adopted.

"Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration H. B. No. 311, "A Bill for an Act entitled: 'An Act to amend Sections 3262 and 3264 of Chapter 234 of the Revised Codes of Montana, 1921, relating to the State Veterinary Surgeon, Deputy Veterinary Surgeons, and inspectors of the Livestock Sanitary Board, providing for their compensation and repealing all acts and parts of acts in conflict herewith,'" respectfully report as follows:

That H. B. No. 311, recommend that this bill do not pass.

ARNOLD, Chairman."

On motion of Arnold, report adopted.

"Mr. Speaker:

We, your Committee on Fish and Game, having had under consideration H. B. No. 211, introduced by Bricker, "A Bill for an Act entitled: 'An Act to establish a game preserve in Jefferson national forest, in Judith Basin county, for the protection of game animals and birds, to be known as Little Belt Mountains Game Preserve, and providing penalties for the killing, hunting, trapping and pursuing any game animals or birds in such preserve, or the carrying of firearms therein,'" respectfully report as follows:

That H. B. No. 211, be reported back with the recommendation that it do not pass.

CADY, Chairman."

On motion of Cady, report adopted.

"Mr. Speaker:

We, your Committee on Banks and Banking, having had under consideration H. B. No. 138, "A Bill for an Act entitled: 'An Act revising and codifying the laws relating to the organization of banks and the inspection thereof, and repealing Sections 6014, 6015, 6016, 6017, 6018, 6019, 6020, 6021, 6022, 6023, 6024, 6025, 6026, 6027, 6028, 6029, 6030, 6031, 6032, 6033, 6034, 6035, 6036, 6038, 6039, 6040, 6041, 6042, 6043, 6044, 6045, 6046, 6047, 6048, 6049, 6050, 6051, 6052, 6053, 6064, 6055, 6056, 6057, 6058, 6059, 6060, 6061, 6062, 6063, 6064, 6065, 6066, 6067, 6068, 6069, 6070, 6071, 6072, 6073, 6074, 6075, 6076, 6077, 6078, 6079, 6080, 6081, 6082, 6083, 6084, 6085, 6086, 6087, 6088, 6089, 6090, 6091, 6092, 6093, 6094, 6095, 6096, 6097, 6098, 6099, 6100, 6101, 6102, 6103, 6104, 6105, 6106, 6107, 6108, 6109, and so much of 221 as conflicts with the provisions of this act, of the Montana Code of 1921 and all acts or parts of acts inconsistent herewith,'" respectfully report as follows:

That H. B. No. 138 do not pass. And as a substitute for the above H. B. No. 138, we submit same herewith and respectfully report that it do pass: "An Act amending Sections 6059, 6062 and 6081 of the Revised Codes of Montana of 1921, relating to banks and banking and enacting and adding to Chapter 13 of Part 111 of the Civil Code of the Revised Codes of Montana of 1921, to be known and designated as Sections 6014a, 6109a, 6109b, 6109c, 6109d, 6109e, 6109f, 6109g, 6109h, 6109i, 6109j, 6109k and 6191, defining certain words used in such codes, providing for the voluntary liquidation and consolidation of banks, prescribing certain powers, duties and liabilities of banks, their officers and directors, and granting certain powers to the superintendent of banks."

JOHNSON, Chairman."

On motion of Johnson, report adopted.

Substitute for House Bill No. 138, by the Committee on Banks and Banking was read first and second times by title only and referred to the Committee on printing.



"Mr. Speaker:

We, your Committee on State Lands, having had under consideration H. B. No. 306, introduced by Oker, "A Bill for an Act entitled: 'An Act providing for the rental of the mineral, oil and gas rights in State lands and providing for the powers of the State Board of Land Commissioners relative to the leasing of said lands,' " respectfully report as follows:

That H. B. No. 306, do pass.

CRONK, Chairman."

On motion of Cronk, report adopted.

The Committee on Engrossment reported as follows:

"Mr. Speaker:

We, your Committee on Engrossment, to whom was referred House Bills. Nos. 111, 120, 164, beg leave to report same back correctly engrossed.

LARSON of Richland, Chairman."

### INTRODUCTION OF BILLS AND MEMORIALS.

The following Senate bill was introduced, read first and second times, by title and history only, and referred to the committee on Townships and Counties.

S. B. No. 17, by Leuthold, Dowlin, Peck, Cowan and Speer, "A Bill for an Act entitled. 'An Act regulating the fiscal management of, fixing the fiscal year for, and controlling and regulating the raising of revenue and the expenditure thereof during each fiscal year by all counties, cities, towns and consolidated cities and counties, and their institutions and agencies; requiring the making and filing of estimates of probable revenues from all sources and proposed expenditures for all purposes during each fiscal year; providing for the making and filing of provisional budgets, for the publication thereof, for public hearings thereon and for the approval and adoption of annual budgets of expenditures to be made for all purposes during each fiscal year; prescribing the manner of paying claims filed after the expiration of the fiscal year; providing for the raising of revenue, in addition to budget estimates and appropriations, by taxation; providing for the payment of warrant indebtedness outstanding at the close of the fiscal year ending June 30th, 1923; providing penalties for the violation of provisions of this act; and repealing Sections 224, 225, 226, 227, 228, 229, 230, 4631, 5217 and 5218 of the Revised Codes of Montana, 1921.'" (Committee on Townships and Counties.)

The following House bills were introduced, read first and second times, and referred to committees as follows:

H. B. No. 323, by Wold, Leavens, Buchanan, Berryman and Benedict, "A Bill for an Act entitled: 'An Act to appropriate money from the Industrial Accident Fund of the State of Montana for the payment of the claim of Sam Nestor which was disallowed by said board because the claim was not presented within six months.'" (Committee on Appropriations.)

H. B. No. 327, by Committee on Appropriations: "A Bill for an Act entitled: "An Act to amend Sections 217 and 221 of the Revised Codes of Montana, 1921, relating to the fees of the State Examiner.'" (Committee on Appropriations.)

H. B. No. 328, by Seidensticker: "A Bill for an Act entitled: 'An Act to appropriate money for the purchase of land at the State Orphans' Home at Twin Bridges, Montana.'" (Committee on Appropriations.)

H. B. No. 339, by McCarty: "A Bill for an Act entitled: 'An Act to appropriate money for a rehabilitation instructor at the State Tuberculosis Sanitarium, and to provide equipment in connection therewith.'" (Committee on Appropriations.)

The following House bills were introduced, read first and second times, by title only and referred to committees as follows:

H. J. M. No. 3, by Committee on Federal Relations: "A resolution requesting the appointment of Edward E. Morris as official caretaker or superintendent at one of our American national cemeteries in Europe.'" (Committee on Federal Relations.)

H. B. No. 324, by Boorman: "A Bill for an Act entitled: 'An Act to amend Section 12280 of the Revised Codes of Montana of 1921 relating to the arrest or taking into custody of juvenile delinquents, and proceeding to be had therein.'" (Committee on Public Morals.)

H. B. No. 325, by Goodman: "A Bill for an Act entitled: 'An Act to amend Section 11239 of the Revised Codes of Montana of 1921, relating to the selling of opium, morphine and other narcotic drugs and providing a penalty for the violation thereof.'" (Committee on Public Health.)

H. B. No. 329, by Fulsher: "A Bill for an Act entitled: 'An Act providing for fees of county clerks for recording and filing of descriptions of locations of quartz or placer mines, mill site claims and notices of location of water or mining claims and indexing.'" (Committee on Judiciary.)

H. B. No. 330, by Boorman: "A Bill for an Act entitled: 'An Act to amend Section 4327 Revised Codes of Montana, 1921, relating to the boundaries of Judith Basin county, Montana.'" (Committee on New Counties and Divisions.)

H. B. No. 331, by Wold: "A Bill for an Act entitled: 'An Act to submit to the qualified electors of the State of Montana an amendment to Article Twelve (XII) of the Constitution of the State of Montana, by repealing and striking out Section Three (3) of said Article Twelve (XII), relating to the taxation of mines and mining claims.'" (Committee on Revenue and Taxation.)

H. B. No. 332, by Committee on Agriculture: "A Bill for an Act entitled: 'An Act to amend Sections 10904 and 10908 of the Revised Codes of Montana of 1921, relating to unfair discrimination in purchase price and sales price of commodities.'" (Committee on Agriculture.)

H. B. No. 333, by Committee on Banks and Banking: "A Bill for an Act entitled: 'An Act providing that stockholders who have transferred shares of stock in any bank within sixty days before the failure of such bank or with knowledge of such impending failure shall be liable to the same extent as if they had made no such transfer.'" (Committee on Banks and Banking.)

H. B. No. 334, by Buttelman and Carlson of Gallatin: "A Bill for an Act entitled: 'An Act legalizing and authorizing the use of county treasurers in the counties of the State of Montana of posting machines for extension of tax registers of taxes collected, and of loose leaf binders for the preservation of the record so made.'" (Committee on Townships and Counties.)

H. B. No. 335, by Troy: "A Bill for an Act entitled: 'An Act to permit real property to be redeemed from tax sale by paying the original tax and interest thereon.'" (Judiciary Committee.)

H. B. No. 336, by Terrett, Carlson of Gallatin, Davis of Fergus, Bergstrom, Pope, Oker and Kelly of Pondera: "A Bill for an Act entitled: 'An Act to provide for the classification of counties, the fixing of the salaries of certain county officers, the number of deputies to which the various county officers shall be entitled, providing for their appointment, and the salaries of the same; defining the powers of county commissioners, and the duties of court stenographers in certain instances, amending Sections 4741, 4767, 4873, 4874, repealing Sections 4869, 4870, 4871, 4875, 4876, 4877, 4878, 4880, 4881, 4882 and 4883 and all acts and parts of acts in conflict herewith.'" (Judiciary Committee.)

H. B. No. 337, by Facey: "A Bill for an Act entitled: 'An Act concerning licenses for revenue purposes; requiring all persons engaging in or carrying on the business of working or operating any mine or mining property in the State of Montana, from which any metals or precious or semi-precious gems or stones of any kind shall be mined, extracted or produced, to pay to the State Treasurer an annual license tax for engaging in and carrying on such business in this State; fixing the amount of such license tax; providing a method for the assessment and collection thereof and the disposition of the proceeds of such license tax; prescribing penalties for violations of the provisions of this act; and repealing, with certain reservations, Sections 2344 to 2355, inclusive, of the Revised Codes of Montana of 1921.'" (Committee on Revenue and Taxation.)

H. B. No. 338, by Rodgers: "A Bill for an Act entitled: 'An Act relating to the transportation of intoxicating liquor in violation of the law and providing penalties for such transportation'." (Committee on Judiciary).

H. B. No. 340, by Smethurst: "A Bill for an Act entitled: 'An Act prohibiting the formation of combinations and conspiracies to blacklist wage workers, and combinations and conspiracies to restrict the liberties of wageworkers as citizens; prescribing penalties for violation, and remedies for the enforcement of this Act; and defining and declaring the policy of the State with reference to the subject matter of this Act'." (Committee on Labor).

H. B. No. 341, by Stoner: "A Bill for an Act entitled: 'An Act to provide for a license tax upon owners and operators, or operators of hydro-electric power plants and transmission lines'." (Committee on Revenue and Taxation).

H. B. No. 342, by Fulsher, Clark, Tierney, Smethurst, Duffy, Caplis, Stoner, Zuck, Troy and Larsen: "A Bill for an Act entitled: 'An Act to promote the safety of travelers and employees upon railroads by compelling common carriers by railroad to properly man their trains, and providing a penalty for the violation thereof'." (Committee on Public Safety).

H. B. No. 343, by Committee on Ways and Means: "A Bill for an Act entitled: 'An Act designating the number of employees in the office of the State Board of Examiners, and fixing the salaries'." (Committee on Ways and Means).

H. B. No. 344, by Peden: "A Bill for an Act entitled: 'An Act to provide for a license tax upon owners and operators of hydro-electric power plants and transmission lines'." (Committee on Revenue and Taxation).

H. B. No. 345, by Hoffman: "A Bill for an Act entitled: 'An Act to amend Chapter 88 of Volume No. 2 of the Revised Codes of Montana of 1921, by adding thereto one new section to be known as Section 8290 (A), relating to mortgage on growing crops and providing for exemptions'." (Committee on Judiciary).

H. B. No. 346, by Kelly of Silver Bow: "A Bill for an Act entitled: 'An Act authorizing cities, and towns to regulate and fix the rates charged by the Public Utilities operating in cities and towns'." (Committee on Affairs and Cities).

H. B. No. 347, by Burke: "A Bill for an Act entitled: 'An Act to amend Sections 5149 and 5150 Revised Codes of Montana of 1921, relating to fire districts and the issuing of bonds by such districts'." (Committee on Judiciary).

## MOTIONS AND RESOLUTIONS

Moved by Carlson of Gallatin, duly seconded and carried that resolution be adopted.

Moved by Goodman, duly seconded and carried, that House Bill No. 141 be taken from the Committee on Fish and Game and placed on the calendar for third reading.

Moved by Loble, duly seconded and carried that the Highway Committee be permitted to report at any time today before adjournment and that if report on a substitute for H. B. No. 257 is not made, that House Bill No. 257 be printed and placed on General Orders.

## CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE

The following communication was received from the Governor:

"Helena, Montana, February 14, 1923.

The Speaker,

House of Representatives.

Helena, Montana.

I have the honor to advise you that I have this day approved the following House Bill:



No. 103—Relating to the time county assessors report valuation school districts.

JOS. M. DIXON, Governor."

Moved by Gullidge, duly seconded and carried, that in compliance with rule 34 and with notice given yesterday, that all House Bills on third reading be read by title and history only and that the Journal show that same were read at length.

H. B. No. 192, by Larsen, having been read three several times, and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bray, Bricker, Burke, Buttleman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cowley, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hawley, Hoffman, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Loble, McAfee, McCarty, McLeod, Maury, Murphy, Mushbach, Myrick, O'Connell, Oker, Ostby, Perrine, Pilgeram, Rasmussen, Ridle, Rodgers, Roscow, Sandy, Seidensticker, Smethurst, Stoddard, Stoner, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Zuck, Bosley. Total—80.

Noes: Scharnikow. Total—1.

Absent and not voting: Brandjord, Buchanan, Buell, Facey, Gillette, Hanson, Harris, Holton, Lemmon, McCormack, Nelson, Peden, Pope, Ruffcorn, Smith, Spencer, Strange, Swift, Mr. Speaker. Total—19.

H. B. No. 101, by Duffy, having been read three several times, and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Baker, Benedict, Bernard, Berryman, Bohling, Boorman, Bosley, Bray, Bricker, Burke, Buttleman, Cady, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cowley, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Peden, Perrine, Pilgeram, Rasmussen, Ridle, Roscow, Ruffcorn, Scharnikow, Seidensticker, Smethurst, Smith, Stoddard, Stoner, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Zuck. Total—83.

Noes: None.

Absent and not voting: Arnold, Bergstrom, Brandjord, Buchanan, Buell, Caplis, Gillette, Hanson, Kennedy, Lemmon, Ostby, Pope, Rodgers, Sandy, Spencer, Strange, Mr. Speaker. Total—17.

Sub. for H. B. No. 110, by Committee on Ways and Means, having been read three several times, and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Burke, Buttleman, Cady, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cowley, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McLeod, Maury, Murphy, Mushbach, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Zuck. Total—90.

Noes: Facey, Larson (Richland), McCormack, Myrick, Wold. Total—5.

Absent and not voting: Buell, Caplis, Gillette, Pope, Mr. Speaker. Total—5.

H. J. M. No. 3, by Stoner, having been read three several times, title and history agreed to, was passed without dissenting vote:

H. B. No. 200, by Bosley, having been read three several times, title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Buell, Burke, Buttleman, Cady, Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smetthurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Zuck. Total—93.

Noes: Armstrong. Total—1.

Absent and not voting: Caplis, Carlson (Gallatin), Cowley, Gillette, Pope, Mr. Speaker. Total—6.

H. B. No. 141, by Goodman, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Buell, Burke, Buttleman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cowley, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smetthurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Zuck. Total—97.

Noes: None.

Absent and not voting: Gillette, Pope, Mr. Speaker. Total—3.

The Committee on Printing reported as follows:

“Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bills No. Sub. 81, beg leave to report that the same has this date been returned from the printer correctly printed.

BRAY, Chairman.”

Moved by Boorman, duly seconded and carried that the House recess until 7:30 this evening:

### EVENING SESSION

House resumed at 7:30 P. M.

Mr. Speaker in the chair.

### THIRD READING OF HOUSE BILLS

Sub. for H. B. No. 43, by Commission on State Boards and Officers, having been read three several times, title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Barker, Benedict, Bergstrom, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Burke, Buttleman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cowley, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, McCarty, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Rasmussen, Ridle, Rodgers,



Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Zuck. Total—89.

Noes: Loble, McAfee, McCormack. Total—3.

Absent and not voting: Bernard, Buell, Duffy, Gillette, Harris, Kenyon, Pope, Mr. Speaker. Total—8.

The Senate Amendments to Sub. for House Bill No. 94 were concurred in by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Buchanan, Burke, Buttleman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cowley, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Pilgeram, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Zuck. Total—90.

Noes: None.

Absent and not voting: Bricker, Buell, Duffy, Gillette, Hanson, Kenyon, Perrine, Pope, Swift, Mr. Speaker. Total—10.

The Senate Amendments to House Bill No. 83 were concurred in by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Burke, Buttleman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cowley, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Pilgeram, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Zuck. Total—93.

Noes: None.

Absent and not voting: Buell, Duffy, Gillette, Kenyon, Perrine, Pope, Mr. Speaker. Total—7.

Sub. for H. B. No. 28, by Committee on Education, having been read three several times, and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Bosley, Buchanan, Burke, Buttleman, Cady, Caplis, Carlson (Gallatin), Cavanaugh, Cowley, Davis (Fergus), Dean, Dell, Denny, English, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Joffray, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Larson (Richland), Lemmon, Loble, McCarty, McLeod, Maury, Murphy, Mushbach, Nelson, O'Connell, Oker, Ostby, Peden, Rasmussen, Ridle, Rodgers, Roscow, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Strange, Tawney, Terrett, Tierney, Zuck. Total—60.

Noes: Bohling, Boorman, Brandjord, Bray, Bricker, Carlson (McCone), Clarke, Cronk, Davis (Wibaux), Elliott, Facey, Hanson, Hoffman, Holton, Johnson, Kenyon, Kinville, Larsen (Sheridan), Lease, Leavens, McAfee, McCormack, Myrick, Pilgeram, Ruffcorn, Sandy, Stoner, Swift, Taylor, Troy, Wold, Harris, Hawley. Total—33.

Absent and not voting: Berryman, Buell, Duffy, Gillette, Perrine, Pope, Mr. Speaker. Total—7.

H. B. No. 8, by Maury, having been read three several times, and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Bergstrom, Bernard, Berryman, Boorman, Brandjord, Bricker, Buchanan, Burke, Buttleman, Cady,



Carlson (Gallatin), Cavanaugh, Clarke, Cowley, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Elliott, English, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Harris, Hawley, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Lease, Leavens, Lemmon, Loble, McCarty, McLeod, Maury, Murphy, Mushbach, Nelson, O'Connell, Peden, Rasmussen, Ridle, Rodgers, Roscow, Scharnikow, Seidensticker, Smith, Spencer, Stoddard, Terrett, Troy, Wold, Zuck. Total—67.

Noes: Benedict, Bohling, Bray, Caplis, Carlson (McCone), Cronk, Duffy, Facey, Hanson, Hoffman, Holton, Larsen (Sheridan), McAfee, McCormack, Myrick, Oker, Ostby, Perrine, Pilgeram, Ruffcorn, Sandy, Smethurst, Stoner, Strange, Swift, Taylor, Tawney, Tierney, Bosley. Total—29.

Absent and not voting: Buell, Gillette, Pope, Mr. Speaker. Total—4.

H. B. No. 146, by McCormack, having been read three several times, and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Burke, Buttleman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clark, Cowley, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Peden, Perrine, Pilgeram, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Zuck. Total—94.

Noes: None.

Absent and not voting: Buell, Gillette, Leavens, Ostby, Pope, Mr. Speaker. Total—6.

Moved by Carlson of Gallatin, duly seconded and carried that House Bill No. 177, be re-referred to the Judiciary Committee.

Committee on Revenue and Taxation was excused for a few minutes.

H. B. No. 182, by Terrett, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Burke, Buttleman, Cady, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cowley, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Harris, Hawley, Hoffman, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McLeod, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Perrine, Pilgeram, Rasmussen, Ridle, Roscow, Sandy, Scharnikow, Seidensticker, Smethurst, Spencer, Stoddard, Stoner, Taylor, Tawney, Terrett, Troy, Wold. Total—79.

Noes: Andrew, Flynn, Rodgers. Total—3.

Absent and not voting: Buchanan, Buell, Caplis, Facey, Gillette, Hanson, Holton, McCormack, Maury, Peden, Pope, Ruffcorn, Smith, Strange, Swift, Tierney, Zuck, Mr. Speaker. Total—18.

### THIRD READING OF HOUSE BILLS.

Moved by Troy and duly seconded that the House reconsider its action taken this morning in adopting the committee report on House Bill No. 133.

H. B. No. 164, by Zuck, Davis (Wibaux), Hamilton, McCarty, O'Connell, Tierney, Maury, Berryman, and Dean, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Benedict, Bergstrom, Bernard, Berryman, Bray, Bricker, Buchanan, Burke, Buttleman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Dean, Dell, Denny, Duffy, English, Flynn, Fulsher, Gillin, Goodman, Hamilton, Harris, Joffray, Johnson, Kelly

(Silver Bow), Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Loble, McCormack, Maury, Murphy, Mushbach, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Rodgers, Rasmussen, Ridle, Roscow, Scharnikow, Seidensticker, Spencer, Stoddard, Stoner, Strange, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Zuck. Total—66.

Noes: Bohling, Boorman, Brandjord, Cronk, Davis (Fergus), Davis (Wibaux), Elliott, Facey, Gullidge, Hanson, Hawley, Hoffman, Holton, Lease, Leavens, McAfee, McLeod, Ruffcorn, Smith, Swift, Mr. Speaker. Total—21.

Absent and not voting: Baker, Bosley, Buell, Cowley, Gillette, Kelly (Pondera), Kennedy, Lemmon, McCarty, Myrick, Pope, Sandy, Smethurst. Total—13.

Moved by Caplis, duly seconded that House Bill No. 111 be taken from third reading and placed on third reading to morrow.

Roll call being demanded by Caplis, duly seconded, the motion failed, the vote being as follows:

Ayes: Andrew, Andrus, Bernard, Bohling, Boorman, Bray, Caplis, Carlson (McCone), Cavanaugh, Clarke, Dell, Duffy, Elliott, English, Facey, Flynn, Hoffman, Holton, Joffray, Kelly (Silver Bow), Kinville, Larsen (Sheridan), Loble, McAfee, McCormack, Mushbach, O'Connell, Ostby, Peden, Perrine, Pilgeram, Ridle, Rodgers, Ruffcorn, Smethurst, Stoner, Strange, Swift, Tawney, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—44.

Noes: Armstrong, Arnold, Benedict, Bergstrom, Berryman, Brandjord, Buchanan, Burke, Buttleman, Cady, Carlson (Gallatin), Cronk, Davis (Fergus), Davis (Wibaux), Dean, Denny, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Johnson, Kenyon, Larson (Richland), Lease, Leavens, McCarty, McLeod, Maury, Murphy, Nelson, Oker, Rasmussen, Roscow, Sandy, Scharnikow, Seidensticker, Smith, Spencer, Stoddard, Taylor, Terrett. Total—45.

Absent and not voting: Baker, Bosley, Bricker, Buell, Cowley, Gillette, Kelly (Pondera), Kennedy, Lemmon, Myrick, Pope. Total—11.

H. B. No. 111, by Roscow, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Bergstrom, Bernard, Berryman, Bohling, Boorman, Brandjord, Bray, Bricker, Buchanan, Burke, Buttleman, Cady, Caplis, Carlson (Gallatin), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kennedy, Kenyon, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Rasmussen, Ridle, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—85.

Noes: Benedict, Carlson (McCone), Facey, Kelly (Silver Bow), Kinville, Rodgers, Smethurst. Total—7.

Absent and not voting: Baker, Bosley, Buell, Cowley, Gillette, Kelly (Pondera), Myrick, Pope. Total—8.

H. B. No. 120, by Bernard, having been read three several times and title and history agreed to was passed by the following vote:

Ayes: Andrew, Andrus, Bernard, Berryman, Bohling, Boorman, Brandjord, Bray, Bricker, Buchanan, Buttleman, Cady, Caplis, Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Wibaux), Dell, Denny, Elliott, English, Facey, Flynn, Goodman, Gullidge, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Silver Bow), Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCormack, McLeod, Murphy, Mushbach, Nelson, O'Connell, Ostby, Peden, Perrine, Pilgeram, Rasmussen, Ridle, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Tierney, Troy, Wold. Total—72.

Noes: Armstrong, Arnold, Benedict, Bergstrom, Burke, Davis (Fergus), Dean, Duffy, Fulsher, Gillin, Hamilton, Kelly (Pondera), Kennedy, McCarty, Maury, Oker, Rodgers, Terrett, Zuck, Mr. Speaker. Total—20.



Absent and not voting: Baker, Bosley, Buell, Carlson (Gallatin), Cowley, Gillette, Myrick, Pope. Total 8.

The Committee on Engrossment reported as follows:

"Mr. Speaker:

We, your Committee on Engrossment to which was referred H. B. No. 196, beg leave to report same back as correctly engrossed.

LARSON of Richland, Chairman."

H. B. No. 196, by Buell, McCormack, Holton, Brandjord, Pope, and Buttleman, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Arnold, Bergstrom, Bernard, Berryman, Bohling, Boorman, Brandjord, Bray, Bricker, Buchanan, Buttleman, Cady, Carlson (Gallatin), Carlson (McCone), Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Elliott, Facey, Gullidge, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Leavens, McAfee, McCarty, McCormack, Ostby, Peden, Perrine, Pilgeram, Rasmussen, Ruffcorn, Sandy, Seidensticker, Smethurst, Smith, Stoner, Strange, Swift, Taylor, Tawney, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total 59.

Noes: Andrew, Andrus, Armstrong, Benedict, Burke, Caplis, Cavanaugh, Denny, English, Kelly (Silver Bow), Kelly (Pondera), Flynn, Fulsher, Gillin, Goodman, Hamilton, Lease, Lemmon, Loble, McLeod, Maury, Murphy, Nelson, O'Connell, Oker, Ridle, Mushbach, Rodgers, Roscow, Scharnikow, Spencer, Stoddard, Terrett, Duffy. Total—34.

Absent and not voting: Baker, Bosley, Buell, Cowley, Gillette, Myrick, Pope. Total—7.

### CONSIDERATION OF GENERAL ORDERS

Moved by Gullidge, duly seconded and carried that the House resolve itself into a Committee of the Whole for consideration of General Orders; that all bills be read by title, history and section number only, open to amendment; that debate be limited to five minutes for the author of each bill to explain, and two minutes for against any amendment; that no one be permitted to grant his time to another.

Bohling in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole, having had under consideration bills on General Orders, respectfully report back with the recommendation:

That H. B. No. 19 be amended as follows, by adding a new Section No. 2, "Section 2.

That Section 644 of the Revised Codes of Montana of 1921 be and the same is hereby amended to read as follows:

Section 644. Time for Filing Petitions for Nominations. All petitions for nomination under this Act for offices to be filled by the State at large or by any district consisting of more than one County, and nominating petitions for judges of district courts in districts consisting of a single county, shall be filed in the office of the Secretary of State not less than forty days before the date of the primary nominating election; and for other offices to be noted for in only one county, or district or city, every such petition shall be filed with the County Clerk or City Clerk, as the case may be, not less than thirty days before the date of the primary nominating election," by inserting the figures 644 at the end of the first line of the title.

By renumbering Sections 2 and 3 as Sections 3 and 4 respectfully and when so amended, do pass.

H. B. No. 119, be amended as follows: Section 6 by striking out in line 8 the word "financially," and when so amended do pass.

H. B. No. 174, be amended as follows, Section 1 by striking out the Committee amendment and leave the printed bill as it is.



Section 2, by adding to line 18 the words "In no instance shall the price paid by the county exceed the prices which are herein established."

By adding to line 1 of Section 3 the following: "In no case shall a higher price be paid for goods covered by class two and class three than the figures specified in the following schedule:"

Section 1, by striking out in line 9 the words "and best" and in line 20 the words "and best", and when so amended, do pass.

H. B. No. 215, do pass.

H. B. No. 157, do pass.

BOHLING, Chairman."

On motion of Bohling, report adopted.

With unanimous consent, House reverted to:

## REPORTS OF STANDING COMMITTEES

The Committee on Printing reported as follows:

"Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bills Nos. 56, 178, 180, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman."

The Committee on Highways reported on House Bill No. 257.

Moved by Bernard, duly seconded that report be adopted.

Moved by Goodman, as a substitute, duly seconded and carried, that further consideration of the report as well as all reports of Highway Commission be postponed until tomorrow under order of business number four.

Moved by Gullidge, duly seconded and carried that the House adjourn until Thursday, February 15, at 10:00 A. M.

CALVIN CRUMBAKER, Speaker.

Attest: JAMES A. SHOEMAKER, Chief Clerk.

## FORTY-SIXTH DAY

House of Representatives,  
February 15, 1923.

House convened pursuant to adjournment at 10:00 A. M.

Mr. Speaker in the chair.

Prayer by the Chaplain.

On roll call all members present except: Myrick and Gillette, excused.

The Committee on Journal reported as follows:

"Mr. Speaker:

We, your Committee on Journal, have this day examined the Journal for the 45th legislative day and found the same correct.

BUCHANAN, Chairman."

Report adopted.

## COMMUNICATIONS AND PETITIONS

### COMMUNICATIONS FROM THE SENATE

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 50 was this day read third time and concurred in as amended, title agreed to and is herewith transmitted to the House for concurrence in Senate amendments. Amend Section 1 by striking out in line 21 the word "And" at the beginning of said line and inserting in lieu thereof the word, "To."

Amend Section 1 by striking out the word, "Bond" at the beginning of line 16 of the original bill, page 2.

Amend Section 1 by inserting in line 17 of the original bill after the word "Bonds," the words "Or warrants" and to insert in line 18 of the original bill after the word "Bonds," the word "Or warrants" page 2.

Amend Section 1 by inserting after the word "Amortization" in line 15 of page 2 the words "Or serial bonds" and by striking out in line 18 on page 2 the word "amortization."

Very Respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 14, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following House Bills were this day recommended for non-concurrence, reports adopted and bills are herewith returned:

House Bill No. 137, introduced by Andrus.

House Bill No. 154, introduced by Scharnikow.

House Bill No. 73, introduced by Scharnikow.

House Bill No. 89, introduced by Oker.

House Bill No. 100, introduced by Loble and Scharnikow.

House Bill No. 130, introduced by Bosley.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 14, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Senate Bills were this day read three times and passed, title agreed to and are herewith transmitted to the House for concurrence.

Senate Bill No. 124, by Kane.

Senate Bill No. 123, by Cowan.

Senate Joint Memorial No. 5, by Church and Duncan.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 14, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following report of the Committee on Rules was this day made and adopted:

Mr. President:

We, your Rules Committee of the Senate, wish to inform the Senate and House that our interpretation of Senate Rule 40 is that the Senate will receive all appropriation bills of any kind from the House up to and including the sixtieth day of the session.

(Signed) HARMON, Chairman.

Very respectfully,

J. F. CONE, Secretary of the Senate."

Moved by Boorman, duly seconded and carried, that the following Senate communications be considered read at length.

"Helena, Montana, February 14, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee of the Whole to whom was referred business on General File report and recommend as follows:

That Senate Bill No. 122, be amended by striking out in line 5 of the title the word "Carrying" and inserting in lieu thereof the word "Discharging," and as amended recommend that same do pass.

That Senate Bill No. 126, do pass.

That Senate Bill No. 71, do not pass.

That Senate Bill No. 114 be amended by striking out the enacting clause.

That Senate Bill No. 128, do pass.

That Senate Bill No. 106, do pass.

That Senate Bill No. 80, do pass.

That Senate Bill No. 136, do pass.

That Senate Bill No. 143, be amended in Section 1, by inserting in line 10, after the words, "And by" the words, "Five years." Amend Section 1, by adding in line 3 after the word "Agent" the words, "Except such person as are duly

authorized by law." Amend Section 1 by adding the words, "after the word imprisonment in all cases, the words, "In the State penitentiary." Amend Section 1 by inserting in line 1 after the words "Section 3202" the word "Of Chapter 202," and after the word "Codes" the words and figures "of 1921." Amend the title in line 1 by inserting after the words Section 3202 of Chapter 202 and in line 2 of the title after the word code, the words and figure of 1921. And as so amended, recommend that bill do pass.

That Senate Bill No. 86, do pass.

That Senate Bill No. 93, do pass.

That Senate Bill No. 100, do pass.

That Senate Bill No. 102, do pass.

That Senate Bill No. 107, do pass.

That Senate Bill No. 140, do pass.

That Senate Bill No. 43 be amended in Section 1 by striking out the word "In" in line 1 and inserting in lieu thereof the words "for the purposes of." And as so amended, recommend that same do pass.

That House Bill No. 137, be not concurred in.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"February 14, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Senate Bills were this day introduced, read first and second times and referred to committees as follows:

Senate Bill No. 184, introduced by Hazelbaker: "A Bill for an Act entitled: 'An Act providing a commission manager form of government for counties providing for the election of offices therein defining their powers and duties and providing for their compensation.'" Referred to Committees on Counties and Towns.

Senate Bill No. 85, introduced by Harmon: "A Bill for an act entitled: 'An Act to amend Section 999 of the Revised Codes of Montana of 1921 providing for the removal of school trustees. Referred to Committee on Education.

Senate Bill No. 186 introduced by Committee on Education: "A Bill for an Act entitled: 'An Act to repeal Section 836, Paragraph 7, of the Revised Codes of Montana 1921, relating to powers and duties of State Board of Education; to repeal Sections 837, 838, 839 and 840 of the Revised Codes of Montana 1921, relating to the issuance of state certificates and life certificates; to amend Section 944 of the Revised Codes of Montana 1921, relating to examinations; to repeal Section 947 of the Revised Codes of Montana 1921, relating to temporary state certificates; to repeal Sections 1074 of the Revised Codes of Montana 1921, relating to certificate of qualification, 1086 of the Revised Codes of Montana 1921, relating to normal training requirements, and 1087 of the Revised Codes of Montana 1921, relating to suspension of teachers' certificates; to amend Chapter 86 of the Political Codes of Montana 1921 pertaining to State and county examinations and certificates, and being an act codifying and amending the school laws of Montana regarding examination and certification of teachers.'" Referred to Committee on Education.

Senate Bill No. 187, introduced by Taylor: A Bill for an Act entitled: "An Act to provide for the letting of contracts for public printing, fixing the prices therefor, providing for an undertaking for the faithful performance of such contracts, providing a penalty for violations of this act, and repealing Section 4482 of the Revised Codes of Montana of 1921." Referred to Committee on Counties and Towns.

Senate Bill No. 188, introduced by Taylor: A Bill for an Act entitled: "An Act to amend Section 4141 of Chapter 267 of the Revised Codes of Montana of 1921, relating to compensation of abstractors, defining maximum fees to be charged for abstracts." Referred to Committee on Judiciary.

Very respectfully,

J. F. CONE, Secretary of the Senate."



"February 14, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Senate bills were this day introduced in the Senate, read first and second time and referred to committees as follows:

Senate Bill No. 165, by Pauline: "An Act to amend Section 11847 of the Revised Codes of Montana of 1921, relating to the matter of charging different offenses, or different statements of the same offense, under separate counts, in one indictment or information, and relating to the matter of requiring the prosecution to elect between different counts." Judiciary Committee.

Senate Bill No. 166, by Hazelbaker: "An Act to amend Section 4143, Revised Codes, Montana, 1921, pertaining to the requirements of abstractors of titles relating to the renewal of abstractors' bonds." Judiciary Committee.

Senate Bill No. 167, by Oliver: "An Act to provide for the payment of forfeited shares in building and loan associations." Committee on Banks and Banking.

Senate Bill No. 168, by McQuitty: "An Act providing for the payment of taxes on mortgaged real property before foreclosure of the mortgage, or sale of the property thereunder." Committee on Taxation.

Senate Bill No. 169, by McQuitty: "An Act providing for the payment of taxes on mortgaged personal property before foreclosure of the mortgage, or sale of the property thereunder." Judiciary Committee.

Senate Bill No. 170, by Watson: "An Act providing for the separation of the schools for the deaf, dumb and blind, from the schools of the feeble minded; and the locating of the school for the deaf, dumb and blind in some large center of population." Committee on Education.

Senate Bill No. 171, by Mears: "An Act defining the meaning of 'property,' 'Value of property,' 'taxable value' and 'assessed value' and other expressions in the limitations upon levying, or in any statute, law, or rule imposing taxes in the State of Montana." Judiciary Committee.

Senate Bill No. 172, by Hazelbaker: "An Act providing for the consolidation of county offices upon a vote of the qualified electors of the county and providing for the holding of an election for said purpose." Committee on Elections and Privileges.

Senate Bill No. 173, by Paul: "An Act amending Sections 6453, 6454, and 6455 of the Revised Codes of Montana of 1921, relating to the formation of religious, fraternal, benevolent and charitable corporations." Committee on Corporations Other Than Municipal.

Senate Bill No. 174, by Cowan: "An Act to permit real property to be redeemed from tax sale by paying the original tax interest thereon." Committee on Taxation.

Senate Bill No. 175, by Cowan: "An Act authorizing the supreme court or the chief justice thereof to require district judges to hold court in districts other than the ones in which they are elected; to designate the chambers of district judges and fix the time for holding court other than the regular terms and repealing Section 8823 of the Revised Codes of 1921." Judiciary Committee.

Senate Bill No. 176, by Taylor: "An Act to amend Section 4767 of the Revised Codes of Montana of 1921 relating to the deposit of public funds and regulating the deposits and investments of public moneys." Judiciary Committee.

Senate Bill No. 177, by Speer, Pomeroy and Stewart: "An Act to safeguard the funds and securities of the Industrial Accident Board, and constituting the State Treasurer as treasurer of said board, and to amend Section 3000 of the Revised Codes of Montana of 1921." Committee on Economy Legislation.

Senate Bill No. 178, by Speer, Pomeroy and Stewart of Meagher: "An Act relating to the public health; regulating the powers and duties of State, county, city and local boards of health and health officers; providing for the appointment of a secretary and other employees by the State Board of Health and fixing

their compensation, and repealing Sections 2446, 2492, 2493, 2494, 2503, 2504 and 2509 of the Revised Codes of Montana, 1921, and all acts and parts of acts in conflict herewith." Committee on Economy Legislation.

Senate Bill No. 179, by Speer, Pomeroy and Stewart of Meagher: "An Act amending Section 340 of the Revised Codes of Montana of 1921, relating to the number, salary, powers and duties of deputies to the secretary of the bureau of child and animal protection of the State of Montana, and repealing Sections 341 to 344 inclusive of the Revised Codes of Montana of 1921." Committee on Economy Legislation.

Senate Bill No. 180, by Committee on Banks and Banking: "An Act amending Section 182 of the Revised Codes of Montana of 1921 relating to the depositing of funds in the hands of the State Treasurer; and providing for the security to be delivered by the banks designated as depositories by the State Depository Board." Committee on Banks and Banking.

Senate Bill No. 181, by Committee on Judiciary: "An Act to approve, legalize and adopt as the laws of Montana the Revised Codes of Montana of 1921 prepared by the Code Commissioner appointed by authority of Chapter 195 of the laws of the Sixteenth Legislative Assembly of Montana of 1919." Committee on Judiciary.

Senate Bill No. 182, by Committee on Towns and Counties: "An Act to provide for the investment of the sinking funds of counties, cities and towns; prescribing the kinds of securities in which such funds shall be invested; and regulating the investment of such sinking funds." Committee on Finance and Claims.

Senate Bill No. 183, by Committee on Banks and Banking: "An Act to amend Section 180 of the Revised Codes of Montana of 1921, relating to the payment, registry and interest on State warrants." Committee on Banks and Banking.

Respectfully submitted,

J. F. CONE, Secretary of the Senate."

"February 14, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Standing Committee report as follows: Reports adopted:

Committee on Judiciary: House Bill No. 142, introduced by Boorman, recommend that said bill be concurred in.

Committee on Judiciary: Senate Bill No. 159, introduced by Page, recommend that said bill do pass.

Committee on Judiciary: House Bill No. 89, introduced by Oker, recommend that said bill be not concurred in.

Committee on Judiciary: House Bill No. 49, introduced by Rodgers, recommend that said bill be amended by striking out the word, "heretofore" in line 18 of the original bill and inserting in said line 18 after the word, "issued" the words, "more than eight (8) years prior to the passage of this act." And that as so amended, that said bill do pass.

Committee on Judiciary: House Bill No. 54, introduced by Scharnikow, recommend that said bill be not concurred in.

Committee on Judiciary: Substitute House Bill No. 73, by Scharnikow, recommend that said bill be not concurred in.

Committee on Judiciary: House Bill No. 100, introduced by Loble, recommend that said bill be not concurred in.

Committee on Judiciary: House Bill No. 80, introduced by Zuck, recommend that said bill be on motion placed on General File.

Committee on Judiciary: House Bill No. 130, introduced by Bosley, recommend that said bill be not concurred in.

Committee on Judiciary: Senate Bill No. 154, introduced by Griffin, recommend that said bill do pass.

Committee on Judiciary: Senate bill No. 148, introduced by Pomeroy, recommend that Section 1 of said bill be amended to read as follows:

"Section 1. That clerks of the district courts of the counties in the State of Montana, shall hereafter keep proper books for indexing bonds given in criminal cases and all such bonds filed therein shall be entered showing the title and docket number of the case in which such bond is filed, the names of principals and sureties on such bonds in alphabetical order, the date and amount of the bond and upon its release, the date of the order or authority for such release."

And that as so amended, said bill do pass.

Committee on Judiciary: Senate Bill No. 120, introduced by Duncan, having had the same under consideration, beg leave to report and recommend that same be amended by striking out the whole of Section 1 thereof and inserting in lieu thereof and after and for Section 1 of said bill, the following:

Section 1. That Section 12433 of the Revised Codes of Montana of 1921 be and the same is hereby amended to read as follows:

Section 12433. Fines, Costs and Forfeitures: How Disposed Of. All fines and forfeitures collected in any court, except police courts, must be applied to the payment of the costs of the case in which the fine is imposed or the forfeiture incurred; and after such costs are paid, the residue must be paid to the county treasurer of the county in which the court is held and by him credited to the general school fund of said county; and at the time of payment of any such fine or forfeiture there shall be filed with the county treasurer, a complete statement showing the total of the fine or forfeiture received or incurred with an itemized statement of the costs incurred by the county in such action, which statement shall give the title of the cause and be subscribed by the person or officer making such payment." And as so amended, that said bill do pass.

Committee on Elections and Privileges: Senate Bill No. 59, introduced by Committee on Elections and Privileges: Recommend that said bill do not pass.

Committee on Elections and Privileges: Senate Bill No. 147, introduced by Committee on Elections and Privileges: Recommend that said bill do pass.

Committee on Privileges and Elections: House Bill No. 35, introduced by McCarty: Beg leave to report as follows:

That title of said bill be amended by striking out the word "and" between 717 and 718 and further amend the title by adding after the figures, 718 and 721.

Amend Section 1 of the bill, line 27, by striking out the word "Montana" and inserting in lieu thereof a blank and further amend Section 1 on page 2, by striking out the words in line 3 and 4, "Notary Public for the State of, my commission expires and the three blank lines" and inserting in lieu thereof two blank lines.

That there be added to said bill a new section, to be known as Section 3, to read as follows:

Section 3. That Section 721 of Part 3 of the Political Code of Montana, 1921, be and the same is hereby amended so as to read as follows:

Section 721. Marking and Swearing to Ballot by Elector. Such voter shall make and subscribe the said affidavit before an officer authorized by law to administer oaths and who has an official seal, and may do so at any place in the State of Montana, or in any other state or territory of the United States, before any officer authorized by the laws of this state to take acknowledgments of instruments without the State and such voter shall thereupon, in the presence of such officer and of no other person, mark such ballot or ballots, but in such manner that such officer cannot see the vote, and such ballot or ballots thereupon, in the presence of such officer, shall be folded by such voter so that each ballot shall be separate, and so as to conceal the vote, and shall be, in the presence of such officer, placed in such envelope securely sealed with mucilage and in addition thereto sealing wax in not less than two places thereon, the sealing wax to contain the impression of the official seal of the officer administering the oath. Said officer shall thereupon append his signature and official title and affix his seal at the end of said jurat and affidavit. Said envelope shall be mailed by such absent voter, postage prepaid, or delivered to the county or city or town clerk, as the case may be.

And further amend by renumbering following sections:

And as amended recommend that the same be concurred in as amended.



Committee on Counties and Towns: Senate Bill No. 153, introduced by Committee on Libraries, recommend that said bill do pass.

Committee on Oils and Leases: House Bill No. 55, introduced by Committee on Oils and Leases.

That House Bill No. 55 be amended as follows:

Section 1, line 23, of the original bill, by inserting after the word "upon" the words "all of the right, title and interest of such owner in and to."

Section 1, line 26, of the original bill, by inserting after the word "upon" the words "all of the right, title and interest of such owner in and to."

Section 1, line 27, by inserting after the word "upon" the words "all of the right, title and interest of such owner in and to." And as amended, that same be concurred in.

Committee on Federal Relations: House Joint Memorial No. 6, introduced by Committee on Federal Relations, recommend that same be concurred in.

Committee on Sanitary Affairs: House Bills Nos. 172 and 125, introduced by Committee on Sanitary Affairs, recommend that same do pass.

Very respectfully,

J. F. CÔNE, Secretary of the Senate."

#### OTHER COMMUNICATIONS.

A communication from the ladies of House of Good Shepherds was read.

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received:

"Mr. Speaker:

We, your Committee on Revenue and Taxation, having had under consideration H. B. No. 331, by Wold, a Bill for an Act entitled: "An Act to submit to the qualified electors of the State of Montana an amendment to Article Twelve (XII) of the Constitution of the State of Montana, by repealing and striking out Section Three (3) of said Article Twelve (XII), relating to the taxation of mines and mining claims," respectfully report as follows:

That H. B. No. 331 do pass.

SWIFT, Chairman."

On motion of Facey, report adopted.

"Mr. Speaker:

We, your Committee on Revenue and Taxation, having had under consideration H. B. No. 344, by Peden, a Bill for an Act entitled: "An Act to provide for a license tax upon owners and operators, or operators of hydro electric power plants and transmission lines," respectfully report as follows:

That H. B. No. 344 be amended as follows:

Amend the title to read as follows:

A Bill for an Act entitled: "An Act requiring all persons, firms, associations and corporations engaging in the business in this State of producing or generating electricity, electric power or energy wholly or principally from water power, commonly known as hydro-electric power, to procure from the State of Montana annual licenses; fixing the amount of the license fees to be paid therefor, providing for the collection thereof and the disposition of the funds derived therefrom."

And also, amend Section 1, to read as follows:

Section 1. Definitions. (a) The term "board" or "state board," when used in this act shall mean the State Board of Equalization. (b) The term "company," without other qualification, shall mean any person, persons, copartnership, joint-stock company or corporation engaging in or carrying on the business in this State of producing or generating electricity, electric power or energy wholly or principally from water power and commonly known as hydro-electric power.

And that, as so amended the bill do pass.

SWIFT, Chairman."

On motion of Facey, report adopted.

"Mr. Speaker:

We, your Committee on Revenue and Taxation, having had under consideration H. B. No. 221, by Tierney, a Bill for an Act entitled: "An Act amending Section 2001 of the Revised Codes of Montana 1921, relating to assessment of property," respectfully report as follows:

That H. B. No. 221, do not pass.

SWIFT, Chairman."

On motion of Facey, report adopted.

"Mr. Speaker:

We, your Committee on Affairs of Cities, having had under consideration H. B. No. 296 introduced by Caplis, Cavanagh, Andrew, Kelly of Silver Bow, Kinville and McLeod: A Bill for an Act entitled: "An Act to authorize and provide for the consolidation and merging of the corporate existence and government of the County of Silver Bow and all cities and towns therein into one municipal corporation and government under the corporate name "City and County of Butte," defining the powers thereof and providing a commission plan or government therefor," respectfully report as follows:

That H. B. No. 296 be amended as follows:

By striking out in Section 92, line 33, the words after the word age: "and admitted to practise law in the State of Montana."

And when so amended, do pass.

LEASE, Chairman."

On motion of Lease, report adopted.

"Mr. Speaker:

We, your Committee on Federal Relations, having had under consideration House Joint Resolution No. 3, introduced by Committee on Federal Relations, a Resolution requesting the appointment of Edward E. Morris as official caretaker or superintendent at one of our American national cemeteries in Europe," respectfully report as follows:

That House Joint Resolution No. 3 be reported back with the recommendation that it do pass.

HAWLEY, Chairman."

On motion of Hawley, report adopted.

"Mr. Speaker:

We, your Committee on Public Morals, having had under consideration H. B. No. 324, introduced by Boorman, a Bill for an Act entitled: "An Act to amend Section 12280 of the Revised Codes of Montana of 1921 relating to the arrest or taking into custody of juvenile delinquents, and the proceedings to be had therein," respectfully report as follows:

That H. B. No. 324 be reported back with the recommendation that it do pass.

McCARTY.  
BRICKER.  
BOORMAN.  
CAVANAUGH.  
HAMILTON.  
KENYON.  
LOBLE.  
BERGSTROM.  
FACEY, Chairman."

On motion of Facey, report adopted.

"Mr. Speaker:

We, your Committee on Townships and Counties, having had under consideration H. B. No. 258, introduced by Loble, a Bill for an Act entitled: "An Act to provide for dividing counties into county commissioner districts; providing for one county commissioner from each district; providing for the changing and equalizing of county commissioner districts; and amending Sections 4452 and 4453 of the Revised Codes of Montana of 1921," respectfully report as follows:

That H. B. No. 258 recommend that the same do not pass.

SPENCER, Chairman."

On motion of Spencer, report adopted.

"Mr. Speaker:

We, your Committee on Townships and Counties, having had under consideration H. B. No. 334, introduced by Buttleman and Carlson of Gallatin, a Bill for an Act entitled: "An Act legalizing and authorizing the use by county treasurers in the counties of the State of Montana of posting machines for extension on tax registers of taxes collected, and of loose leaf binders for the preservation of the record so made," respectfully report as follows:

That H. B. No. 334 be recommended for passage.

SPENCER, Chairman."

On motion of Spencer, report adopted.

"Mr. Speaker:

We, your Committee on Banks and Banking having had under consideration H. B. No. 333, introduced by Committee on Banks and Banking, a Bill for an Act entitled: "An Act providing that stockholders who have transferred shares of stock in any bank within sixty days before, the failure of such bank or with knowledge of such impending failure shall be liable to the same extent as if they had made no such transfer," respectfully report as follows:

That H. B. No. 333 do pass.

Johnson, Chairman."

On motion of Johnson, report adopted.

"Mr. Speaker:

We, your Committee on Workmen's Compensation, having had under consideration H. B. No. 322, introduced by Bosley, a Bill for an Act entitled: "An Act to provide for the suspension of the acceptance of further compensation coverage under Plan Two of the workmen's compensation law, as provided in Chapter 213 Revised Codes of Montana 1921," respectfully report as follows:

That H. B. No. 322 do pass.

HANSON, Chairman."

On motion of Hanson, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration H. B. No. 223, by Arnold, entitled, "An Act to amend Section 9334 and to repeal Sections 9336 and 9347, Revised Codes of Montana of 1921, all relating to the manner of drawing juries and the exercising of challenges for cause and peremptory challenges," respectfully report as follows:

That H. B. No. 223 be amended as follows:

In Section 1, after the words "and that number," in line 14, strike out all the words to line 20, and substitute therefor the following:

"Shall be sworn and maintained in the jury box pending challenges: and when any such juror is excused for cause, an additional juror must be called in place of the juror so excused. And from the twenty remaining jurors the parties, plaintiff and defendant, shall exercise peremptory challenges, one at a time in their order, until twelve jurors remain, and when either party shall."

And that when so amended the bill do pass.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration H. B. No. 338, by Rodgers, entitled: "An Act relating to the transportation of intoxicating liquor in violation of law and providing penalties for such transportation," respectfully report as follows:

That H. B. No. 338 be amended as follows:

Amend Section Two, in line seventeen, by inserting after the word "Transportation" the words, "of any moonshine or any other intoxicating liquor," and after the word "which" insert the word "vehicle."

And that as so amended the bill do pass.

KENYON, Chairman."

On motion of Kenyon, report adopted.



"Mr. Speaker :

We, your Committee on Judiciary, having had under consideration H. B. No. 234, by Bernard, entitled: "An Act repealing Section 146 of the Revised Codes of Montana 1921 relating to fees of Secretary of State in filing and recording articles of incorporation and issuance of certificates of foreign and domestic religious societies, church organizations for religious purposes and fraternal societies not having capital stock and not organized for purposes of profit," respectfully report as follows:

That H. B. No. 234 be amended as follows:

Amend the title by striking out the word "repeal" and inserting in lieu thereof the words, "to amend" and amend Section One as follows:

Strike out all of Section One and in lieu thereof insert the following:

"Section 1. Fees of Religious and Fraternal Societies. The Secretary of State shall charge and collect from each foreign or domestic religious society, church organization for religious purposes and fraternal society not having capital stock, and not being organized for the purpose of profit hereafter organized, a fee of five dollars for all services in connection with the issuance of certificate, filing and recording."

And when so amended the bill do pass.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker :

We, your Committee on Judiciary, having had under consideration H. B. No. 329, by Fulsher, entitled: "An Act providing for fees of county clerks for recording and filing of descriptions of locations of quartz or placer mines; mill site claims and notice of location of water or mining claims and indexing," respectfully report as follows:

That H. B. No. 329 do pass.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker :

We, your Committee on Judiciary, having had under consideration H. B. No. 345, by Hoffman, entitled: "An Act to amend Chapter 88 of Volume No. 2 of the Revised Codes of Montana of 1921, by adding thereto one new section to be known as Section 8290 (A) relating to mortgage on growing crops and providing for exemptions," respectfully report as follows:

That H. B. No. 345 do pass.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker :

We, your Committee on Judiciary, having had under consideration H. B. No. 347, by Burke, entitled: "An Act to amend Section 5149 and 5150 Revised Codes of Montana of 1921, relating to fire districts and the issuing of bonds by such districts," respectfully report as follows:

That H. B. No. 347 do pass.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker :

We, your Committee on Fish and Game, having had under consideration H. B. No. 316, introduced by Larsen of Sheridan, a Bill for an Act entitled: "An Act to establish a game preserve in a portion of Sheridan county for the protection of game animals and birds, to be known as the Plentywood Game Preserve, and providing penalties for the killing, hunting, trapping and pursuing any game animals or birds in such preserve, or the carrying of fire-arms therein," respectfully report as follows:

That H. B. No. 316 be referred back to the House with the recommendation that it do not pass.

CADY, Chairman."

On motion of Cady, report adopted.

"Mr. Speaker:

We, your Committee on Fish and Game, having had under consideration H. B. No. 282, introduced by Bray, a Bill for an Act entitled: "An Act to establish a game preserve in portions of Sweet Grass, Park, Wheatland, and Meagher counties for the protection of game animals and birds to be known as the Crazy Mountain Game Preserve and providing penalties for the killing, trapping and pursuing any game animals or birds in such preserve," respectfully report as follows:

That H. B. No. 282 be referred back to the House with the recommendation that it do not pass.

On motion of Cady, report adopted.

CADY, Chairman."

The following Majority and Minority reports of the Committee on New Counties and Divisions were received:

"Mr. Speaker:

We, your Committee on New Counties and Divisions having had under consideration, H. B. No. 288, introduced by Kenyon, by request, A Bill for an Act entitled: "An Act to create the County of Hedges, designating its boundaries and providing for its organization and government, and to change the boundaries of Flathead County to conform thereto," respectfully report as follows:

That H. B. No. 288 do not pass.

BERNARD,  
NELSON,  
BURKE,  
SANDY,  
CARLSON of McCone,  
Chairman."

"Mr. Speaker:

We, the Minority of your Committee on New Counties and Divisions, having had under consideration, H. B. No. 288, introduced by Kenyon, by request, A Bill for an Act entitled: "An Act to create the County of Hedges, designating its boundaries and providing for its organization and government and to change the boundaries of Flathead County to conform thereto," respectfully report as follows:

That H. B. No. 288 do pass.

ARNOLD,  
DUFFY,  
OSTBY.

Moved by Arnold, duly seconded that Minority report be adopted.

Moved by Carlson of McCone, as a substitute, duly seconded and carried that the Majority report be adopted.

Moved by Arnold, and duly seconded that the House reconsider its action in adopting the Majority report of the Committee on New Counties and Divisions on House Bill No. 288.

"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration, H. B. No. 327, introduced by Appropriations Committee, a Bill for an Act entitled: "An Act to amend Sections 217 and 221 of the Revised Codes of Montana, 1921, relating to the fees of the State Examiner," respectfully report as follows:

That H. B. No. 327 do pass.

BUELL, Chairman."

On motion of Loble, report adopted.

"Mr. Speaker:

We, your Committee on State Boards and Officers, having had under consideration, H. B. No. 162, introduced by Troy, a Bill for an Act entitled: "An Act amending Section 210 of the Revised Codes of Montana of 1921, relating to the duties of the State Examiner, by adding thereto two paragraphs to be known as paragraphs 8 and 9," respectfully report as follows:

That H. B. No. 162 be referred to Judiciary Committee.

OSTBY, Chairman."

On motion of Ostby, report adopted.

"Mr. Speaker:

We, your Committee on State Boards and Officers, having had under consideration, H. B. No. 321, introduced by Ruffcorn, Bray, Hoffman, a Bill for an Act entitled: "An Act providing for the appointment of a Supreme Court Reporter, prescribing his powers and duties, fixing his salary and compensation, and repealing sections 378 and 379 of the Revised Codes of Montana of 1921," respectfully report as follows:

That H. B. No. 321 be referred to Judiciary Committee.

OSTBY, Chairman."

On motion of Ostby, report adopted.

"Mr. Speaker:

We, your Committee on Irrigation and Water Rights, having had under consideration, H. B. No. 244, introduced by Strange, A Bill for an Act entitled: "An Act relating to irrigation districts, amending and re-enacting Section 7249 and 7258 of the Revised Codes of Montana 1921, relating to the liability and duty of County Treasurer and the transfer of an interest on district fund and enacting a new section to be designated Section 7215A of the Revised Codes of Montana 1921, authorizing and regulating the investment of money in the construction fund," respectfully report as follows:

That H. B. No. 244 be amended by striking out on page 2, line 26, after the word "commissioners" the remaining words in said section, and insert, in lieu thereof, the following words:

"whenever, in its judgment, the same may be to the best interests of the District, shall have the power and authority to direct the investment of such funds, or any portion thereof, in interest bearing securities of the United States, or of the State of Montana, or in interest bearing certificates of deposit of national or state banks; provided, however, that in the event of such deposit said banks shall first furnish an indemnity bond to be approved by said board of commissioners." And the bill as so amended do pass.

PERRINE, Vice Chairman."

On motion of Perrine, report adopted.

"Mr. Speaker:

We, your Committee on Irrigation and Water Rights, having had under consideration, H. B. No. 295, introduced by Bray and Troy, a Bill for an Act entitled: "An Act to amend Section 3947, Chapter 262 of the Revised Codes of Montana, 1921, creating the Montana Irrigation Commission and providing for the transfer of its powers and duties to the State Engineer," respectfully report as follows:

That H. B. No. 295 recommend that it do not pass.

PERRINE, Vice Chairman."

On motion of Perrine, report adopted.

"Mr. Speaker:

We, your Committee on Public Safety, having had under consideration, H. B. No. 158, introduced by Bernard and Cady, being a Bill for an Act entitled: "An Act to amend Section 2798 of the Revised Codes of Montana 1921 relating to transportation of explosives," respectfully report as follows:

We recommend that H. B. No. 158 do not pass.

PEDEN, Chairman."

On motion of Peden, report adopted.

"Mr. Speaker:

We, your Committee on Labor, having had under consideration, H. B. No. 340, being a Bill for an Act entitled: "An Act prohibiting the formation of combinations and conspiracies to blacklist wageworkers, and combinations and conspiracies to restrict the liberties of wageworkers as citizens; prescribing penalties for violation and remedies for the enforcement of this Act; and defining and declaring the policy of the State with reference to the subject matter of this Act," respectfully report as follows:

That H. B. No. 340 do pass.

STONER, Chairman."

On motion of Stoner, report adopted.



"Mr. Speaker:

We, your Committee on Public Safety, having had under consideration, H. B. No. 342, introduced by Fulsher, Clarke, Tierney, Smethurst, Duffy, Caplis, Stoner, Zuck, Troy and Larson of Sheridan, being, a Bill for an Act entitled: "An Act to promote the safety of travelers and employees upon railroads by compelling common carriers by railroad to properly man their trains, and providing a penalty for the violation thereof," respectfully report as follows:

That said House Bill No. 342 be reported out without recommendation.

PEDEN, Chairman."

On motion of Peden, report adopted.

"Mr. Speaker:

We, your Committee on Highways, having had under consideration Senate Substitute for Senate Bill No. 105, introduced by Roads and Highways Committee, a Bill for an Act entitled: "An Act creating a State Highway Department, providing for a State Highway Commission and defining its powers and duties; assenting to the terms of the Federal Aid Act, transferring certain funds to the General Fund of the State and repealing Sections 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1799, 1800, and 1802 of the Revised Codes of Montana of 1921," respectfully report as follows:

That Substitute for Senate Bill No. 105 be referred back to the House with the recommendation that it be placed on general orders.

BERNARD, Chairman."

On motion of Maury, report adopted.

"Mr. Speaker:

We, your Committee on Highways, having had under consideration H. B. No. 257, introduced by Scharnikow, a Bill for an Act entitled: "An Act establishing a State Highway Commission, prescribing the powers and duties thereof, providing for the appointment of a Highway Engineer and his assistant, and prescribing their duties; providing a method and limitation of expenditures; imposing certain duties upon county officials; assenting to the Federal Aid Road Act of Congress, approved July 11, 1916, and authorizing the State Highway Commission to cooperate with the United State Government and the various counties in the State in the construction of roads and bridges; transferring certain funds to the General Fund of the State and repealing Sections 1783, 1784, 1786, 1799, and 1800 of the Revised Codes of Montana of 1921," respectfully report as follows:

That H. B. No. 257, be referred back to the House with the recommendation that it do not pass, but that House Substitute for H. B. No. 257, introduced by Highway Committee, be recommended for passage.

BERNARD, Chairman."

On motion of Bernard, report adopted.

Substitute for House Bill No. 257, by the Committee on Highways was read first and second times and referred to the Committee on Printing.

"Mr. Speaker:

We, your Committee on Highways, having had under consideration S. B. No. 99, introduced by Henderson, a Bill for an Act entitled: "An Act to amend Section 1760 of the Revised Codes of Montana, 1921, relating to registration fees for motor vehicles and the disposition thereof, and repealing all Acts and parts of Acts in conflict herewith," respectfully report as follows:

That S. B. No. 99 be referred back to the House with the recommendation that it be not concurred in.

BERNARD, Chairman."

Moved by Bernard, and duly seconded, that report be adopted.

Moved by Stoner, as a substitute, duly seconded and carried that Senate Bill No. 99 be placed on general orders.

"Mr. Speaker:

We, your Committee on Highways, having had under consideration H. B. No. 51, introduced by Scharnikow, a Bill for an Act entitled: "An Act to abolish the State Highway Commission and transferring all duties of the State Highway Commission as to unfinished contracts to the State Engineer, and repealing Sec-

tions 1783, 1784, 1785, 1786, 1788, 1789, 1790, 1792, 1799, and 1800 of the Revised Codes of Montana of 1921," respectfully report as follows:

That H. B. No. 51 be referred back to the House with the recommendation that it do not pass.

BERNARD, Chairman."

On motion of Bernard, report adopted.

"Mr. Speaker:

We, your Committee on Highways, having had under consideration H. B. No. 214, introduced by Bernard and Cady, a Bill for an Act entitled: "An Act to provide for a license tax on motor vehicles and other vehicles and upon chauffeurs and other operators of such vehicles, and upon dealers in such vehicles, for the privilege of using the public streets, roads and highways of the State of Montana and for the repair of the injury thereto caused by such use and for the improvement, maintenance, and policing thereof; to provide for the registration, identification and conduct of motor vehicles and other vehicles of chauffeurs and other operators thereof, and of dealers therein and for the collection of such license taxes and for the creation of a State Highway Fund and the use and disposition thereof, etc.," respectfully report as follows:

That H. B. No. 214 be referred back to the House with the recommendation that it do not pass.

BERNARD, Chairman."

On motion of Bernard, report adopted.

"Mr. Speaker:

We, your Committee on Highways, having had under consideration H. B. No. 224, introduced by Arnold, a Bill for an Act entitled: "An Act establishing a State Highway Commission; prescribing the powers and duties thereof, and authorizing the construction, maintenance, repair and marking of public roads and bridges; creating a State Highway Fund; imposing certain duties upon county and local road officials and assenting to the Federal Aid Act of Congress, approved July 11, 1916, and all other Acts granting aid for public highways; and authorizing the State Highway Commission to co-operate with the United States Government in the construction of roads and bridges; and repealing Chapter 139 of the Revised Codes of Montana of 1921," respectfully report as follows:

That H. B. No. 224, be referred back to the House with the recommendation that it do not pass.

BERNARD, Chairman."

On motion of Bernard, report adopted.

"Mr. Speaker:

We, your Committee on Highways, having had under consideration H. B. No. 208, introduced by Cady, a Bill for an Act entitled: "An Act to regulate advertisements in any public highway or on private premises without the consent of owner of said property and to provide for a license tax on bill boards and signs to be used for highway improvement," respectfully report as follows:

That H. B. No. 208 be referred back to the House with the recommendation that it do not pass.

• BERNARD, Chairman."

Moved by Bernard, duly seconded that report be adopted.

Moved by Maury, as a substitute, duly seconded and carried, that H. B. No. 208 be printed and placed on general orders.

"Mr. Speaker:

We, your Committee on Agriculture, having had under consideration, H. B. No. 332, a Bill for an Act entitled: "An Act to amend Sections 10904 and 10908 of the Revised Codes of Montana of 1921, relating to unfair discrimination in purchase price and sales price of commodities," respectfully report as follows:

That H. B. No. 332 do pass.

McCORMACK, Chairman."

On motion of McCormack, report adopted.

The Committee on Printing reported as follows:

"Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bills Nos. 153, 253, 280, 267, 263, H. J. M. 7, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman."

### INTRODUCTION OF BILLS AND MEMORIALS

The following Senate bills were introduced, read first and second times by title and history only, and referred to committees as follows:

S. J. M. No. 5, by Church and Duncan: "Memorial to the Senate of the United States of America in Congress assembled, to adopt resolution passed by the House of Representatives, making income from securities hereafter issued by or under the authority of the state, taxable, and giving state power to tax Federal securities." (Committee on Federal Relations).

S. B. No. 123, by Cowan: "A Bill for an Act entitled: 'An Act relating to the collection of taxes and assessments levied for irrigation district and drainage district purposes, and requiring County Treasurers to collect, receive and receipt for such irrigation district and drainage district taxes and assessments at the same time and upon the same receipt as taxes levied upon real property for county purposes.'" (Committee on Irrigation and Water Rights).

S. B. No. 124, by Kane: "A Bill for an Act entitled: 'An Act relating to irrigation districts, enacting a new section to be designated as Section 7189A of the Revised Codes of Montana of 1921, giving to the Court continuing jurisdiction over proceedings for establishment of districts, for the inclusion or exclusion of lands therein of the change of the boundaries thereof with powers to make proper corrections and amendments of matters included in any order made in any such proceeding, including description of lands and providing the procedure for the exercise of such powers; also enacting another new section to be designated as Section 7231A of the Revised Codes of Montana, of 1921, providing a limitation against actions or proceedings allocating orders of decrees purporting to establish districts or correcting or amending any such order or decree, validating districts heretofore established or attempted to be established by order of Court and the acts and proceedings of such districts or their commissioners leading up to the authorization, issuance or sale, or proposed issuance or sale, of bonds, as well as such bonds; also amending Sections 7190, 7191 and 7192 of the Revised Codes of Montana of 1921, relating to the determination of acreages in irrigation districts, and regulating the procedure thereof,'" (Committee on Irrigation and Water Rights).

The following House Bills were introduced, read first and second times by title only, and referred to committees as follows:

H. B. No. 348, by Fulsher: "A Bill for an Act entitled: 'An Act to amend Sections 460, 461 and 462 of the Revised Codes of Montana of 1921, relating to the possession of books, papers and other equipment of public officers, supplied at public expense; proceedings to compel delivery thereof; attachment and warrant to enforce the delivery of books, paper and equipment supplied at public expense to the public officer entitled thereto,'" (Committee on Judiciary).

H. B. No. 349, by Fulsher: "A Bill for an Act entitled: 'An Act to amend Section 10832 of the Revised Codes of Montana of 1921, relating to the refusal of public officers to surrender books papers and other equipment supplied at public expense to his successor in office and providing a penalty therefor,'" (Committee on Judiciary).

H. B. No. 350, by Roscow, by request: "A Bill for an Act entitled: 'An Act to amend Section 9353, of Chapter 29, and Section 12005 of Chapter 25, and Section 12010 of Chapter 26, Revised Codes of Montana of 1921, relating to trial, conduct of trial, and conduct of jury after submission of case,'" (Committee on Judiciary).

H. B. No. 351, by Goodman and Carlson of Gallatin: "A Bill for an Act entitled: 'An Act to amend Article XII of the Constitution of the State of



Montana, relating to revenue and taxation by inserting therein a new Section to be known as Section 2½, providing for the taxation of mineral reservations and the right to explore for minerals, and a method for the ascertainment of the value of same, and submission of the same to the qualified electors of the State of Montana,'” (Committee on Constitutional Amendments).

H. B. No. 352, by Andrus: “A Bill for an Act entitled: ‘An Act amending Section 950 Revised Codes of Montana of 1921, relating to the qualifications of county superintendent of common schools,’” (Committee on Education).

H. B. No. 353, by Committee on Highways: “A Bill for an Act entitled: ‘An Act to amend Section 1760 of the Revised Codes of Montana, 1921, relating to registration fees for motor vehicles and the disposition thereof, and repealing all Acts and parts of Acts in conflict herewith,’” (Committee on Highways).

H. B. No. 354, by Committee on Highways: “A Bill for an Act entitled: ‘An Act to amend Sections 2382 and 2392 of the Revised Codes of Montana of 1921 relating to the imposition of the tax on gasoline, and collection and disposition thereof, and repealing Sections 2393 and 2394 of the Revised Codes of the State of Montana 1921,’” (Committee on Highways).

H. B. No. 355, by Troy and Duffy: “A Bill for an Act entitled: ‘An Act to provide for the submission to the qualified electors of the State of Montana an amendment to Article V of the Constitution of the State of Montana by adding thereto a new section to be known as Section 18-A authorizing the Legislative Assembly and the elective officers and the election of their successors with the exception of judges of courts of record,’” (Committee on Constitutional Amendments).

H. B. No. 356, by Loble: “A Bill for an Act entitled: ‘An Act to amend Section 1743, Chapter 134 of the Revised Codes of Montana, 1921, relating to speed and traffic regulation,’” (Committee on Highways).

H. B. No. 357, by Kenyon: “A Bill for an Act entitled: ‘An Act relating to defective certificates of tax sale issued to and held by counties,’” (Committee on Judiciary).

H. B. No. 358, by Smethurst: “A Bill for an Act entitled: ‘An Act to amend Sections 2870, 2891, 2898, 2900, 2912, 2913, 2915, 2918, 2919 and 2920 Revised Codes Montana 1921 relating to the Workmen’s Compensation Law and providing for the inclusion of certain occupational diseases, for the payment of compensation to children up to the age of eighteen years, for a maximum waiting period of one week, for the establishment of a compensation rate limited to sixty-six and two-thirds percentum of the wages with a maximum of fifteen dollars per week and minimum of seven dollars and fifty cents per week and providing for the repeal of all Acts and parts of Acts in conflict herewith’” (Committee on Workmen’s Compensation).

## MOTIONS AND RESOLUTIONS

Moved by Carlson of Gallatin, duly seconded that consideration of Senate Bill No. 105 be made a special order of business for tomorrow at 10:00 A. M.

Moved by Larsen of Sheridan, as a substitute, duly seconded that consideration of Senate Bill No. 105 be made a special order of business for Tuesday, at 2:00 o’clock.

Previous question moved by Bricker, duly seconded and carried.

Question arising on substitute motion of Larsen of Sheridan, it failed.

Question arising on original motion of Carlson, same failed.

Moved by Swift, duly seconded and carried that consideration of Substitute for House Bill No. 81 be made a special order of business for tomorrow at 11:00 o’clock.

Moved by Kenyon, duly seconded and carried that the action taken by the House adopting committee report on House Bill No. 135 be considered.

Moved by Kenyon, duly seconded and carried that House Bill No. 135 be referred to the Committee on Judiciary.

Moved by Hanson, duly seconded and carried that the Committee on Workmen's Compensation be permitted to report on bill under consideration at any time today prior to adjournment.

Moved by Larsen of Sheridan, and duly seconded, that the House reconsider its action in adopting committee report on House Bill No. 316.

Moved by Cady, duly seconded and carried that the motion be laid on the table.

Arnold renewed his motion that House reconsider its action in adopting committee report on House Bill No. 288.

Moved by Boorman, duly seconded and carried that the motion be laid on the table.

Moved by Bray, duly seconded that the House reconsider its action on House Bill No. 295.

Moved by Perrine, duly seconded and carried that the motion be laid upon the table.

Moved by Terrett, duly seconded and carried that House Bill No. 166 be placed at the head of the list on General Orders.

Moved by Tawney, duly seconded that House Bills Nos. 143 and 179 be made a special order of business for tomorrow at 2:00 O'Clock.

Mr. Speaker having ruled the motion out of order at this time, it was moved by Scharnikow, duly seconded and carried that the House permit Tawney to renew his motion at any time today before adjournment.

### THIRD READING OF HOUSE BILLS

Senate Amendments to House Bill No. 50 were concurred in by the following vote:

Ayes: Andrew, Andrus, Armstrong, Baker, Bergstrom, Berryman, Bohling, Brandjord, Bricker, Buchanan, Buell, Burke, Buttlerman, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gillette, Gilin, Goodman, Gullidge, Hamilton, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Loble, McAfee, McCormack, McLeod, Maury, Murphy, Mushbach, Nelson, O'Connell, Oker, Perrine, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Strange, Taylor, Tawney, Terrett, Tierney, Troy, Zuck, Boorman, Mr. Speaker. Total—80.

Noes: Arnold, Benedict, Kelly (Pondera), Leavens, McCarty, Ostby, Peden, Pilgeram, Wold. Total—9.

Absent and not voting: Bernard, Bosley, Bray, Cady, Caplis, Cowley, Hanson, Lemmon, Myrick, Stoner, Swift. Total—11.

Upon request of McAfee, and with unanimous consent, reverted to:

### INTRODUCTION OF BILLS AND MEMORIALS

The following bills were introduced, read first and second times, and referred to committees as follows:

H. B. No. 359, by Committee on Appropriations: "A Bill for an Act entitled: 'An Act appropriating money for the operation and maintenance of certain of the boards, commissions and departments of the State of Montana for the period beginning July 1st, 1923, and ending June 30th, 1925,'" (Committee on Appropriations).

H. B. No. 360, by Committee on Appropriations: "A Bill for an Act entitled: 'An Act appropriating money for the payment of deficiency claims arising out of the operation of the various state institutions of the State of Montana for the year ending February 28th, 1923,'" (Committee on Appropriations).

H. B. No. 361, by Committee on Appropriations: "A Bill for an Act entitled: 'An Act appropriating money for the payment of deficiency claims on account of refunds becoming due during the year ending February 28th, 1923,'" (Committee on Appropriations).

H. B. No. 362, by Committee on Appropriations: "A Bill for an Act entitled: 'An Act appropriating money for the payment of deficiency claims arising out of the operation of various state departments for the year ending February 28th, 1923'," (Committee on Appropriations).

H. B. No. 363, by McAfee by Request: "A Bill for an Act entitled: 'An Act authorizing Wilsie M. Cramer to commence, institute and prosecute to final determination an action at law against the State of Montana for the purpose of determining a certain controversy now existing between the said Wilsie M. Cramer and the State of Montana in connection with the sale of certain land situated in Flathead County, Montana, to the State of Montana for the use of the State Game and Fish Commission, and making an appropriation to pay any judgment which the said Wilsie M. Cramer may recover against the State of Montana in such action'." (Committee on Appropriations).

Moved by Gullidge, duly seconded and carried that the House recess until 1:30 P. M.

#### AFTERNOON SESSION

House resumed at 1:30 P. M.

Mr. Speaker in the chair.

#### CONSIDERATION OF GENERAL ORDERS

Moved by Gullidge, duly seconded and carried that the House resolve itself into a Committee of the Whole for the consideration of General Orders; that all bills be read by title, history and section number only, open to amendment; that the author of each bill be given five minutes to explain his bill, and two minutes for or against every amendment; that opponents of any bill be given the same time; that no member be permitted to give his time to any other speaker.

Scharnikow in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole, having had under consideration bills on General Orders, respectfully report back with the recommendation that:

H. B. No. 166, do pass.

H. B. No. 202: Action on H. B. No. 202 be deferred and said bill be placed at head of list on General Orders tomorrow.

H. B. No. 227: Be amended as follows: Section 1 by striking out in line 15 the words and figures "one thousand (\$1000.00)" and inserting in lieu thereof the words "Fifteen Hundred (\$1500.00)". And when so amended, do pass.

H. B. No. 190: that action be deferred and bill placed at foot of list.

H. B. No. 206: that action be deferred and bill placed at foot of list.

H. B. No. 176: Be amended as follows: Section 4 by striking out in line 43 the figure 5 in parenthesis and inserting in lieu thereof the letter (b) in parenthesis.

Section 4 by striking out the period at the end of subdivision (c) thereof, in line 50 and inserting in lieu thereof a semi-colon, and adding thereafter the following words: "Provided, however, that none of the provisions of this Act shall be construed to effect or in any wise govern districts now organized under said Chapter 146, which have already authorized and issued construction bonds at the time of the passage of this Act," and when so amended, do pass.

H. B. No. 222: that action be deferred and bill placed at foot of list.

H. B. No. 228: be amended as follows: by striking out all of Section 3, and when so amended, do pass.

H. B. No. 230: do pass.

H. B. No. 113: be amended as follows: strike out the word "or" after the word "well" in line 2, Section 3, and when so amended, do pass.

H. B. No. 140: be amended as follows: Section 6 by inserting in line 6 after the words "date of marriage, and" the word "upon."

And when so amended, do pass.



H. B. No. 207: be amended as follows: Section 1, by inserting at the end of said section the following: "provided that before service can be made upon the Secretary of State the affidavit required by Section 9112 must be filed."

And when so amended, do pass.

H. B. No. 238: do pass.

H. B. No. 76: be placed second to the head of the list tomorrow.

H. B. No. 233: be placed at the foot of the list.

H. B. No. 93: be placed third on the list tomorrow.

Sub. H. B. No. 59: be amended as follows: by adding to Section 2, beginning in line 210 of the printed bill, the following words: "Provided, however, that nothing contained in this Act shall be so construed as to prevent school districts issuing bonds from giving preference to bonds issued on the amortization plan, or otherwise amending the laws of this state in regard to amortization bonds. The amortization plan is here used in the sense defined by Section 1928 of the Revised Codes of Montana of 1921, as amended by the 18th Legislative Assembly."

And when so amended, do pass.

H. B. No. 108: be amended as follows: Section 1 by striking out in line 4 the word "one" before "year" and inserting in lieu thereof the word "five."

And when so amended, do pass.

H. B. No. 201: be amended as follows: by placing an enacting clause before section one, as follows: "Be it enacted by the Legislative Assembly of the State of Montana:"

Section 1 by striking out in line 3 the words "or assistant mine foreman, face bosses and night bosses." after the word "mines" on line 6 insert the following: "The examination of the assistant mine foreman, face bosses and night bosses shall consist of oral and written questions on practical coal mining, timbering and ventilation." After the word "foreman" on line 7 insert the following "or assistant mine foreman, face bosses and night bosses." Strike out on line 10 the words "as a coal miner" and insert in lieu thereof the word "underground."

Section 2, by inserting after the word "examination" in line 5 the following: "Provided, that any person who shall have been employed as assistant mine foreman, face boss or night boss continually for a period of six months preceding the approval of this Act, by the same firm, person, or corporation, shall be granted a certificate as assistant mine foreman, face boss or night boss without undergoing such examination, but shall not be employed by any other person, firm or corporation without having successfully undergone such examination."

Section 4, by striking out all after the word "conditions" of line 15 to and including the word "Act" on line 17 and inserting in lieu thereof the following: "A competent person shall be appointed to act in his place. The said person so appointed shall possess a certificate of competency, either as a mine foreman, assistant mine foreman or mine examiner, as provided for in this Act or shall receive a permit to act as such from the State Coal Mine Inspector's office within thirty days after taking charge."

And when so amended, do pass.

H. B. No. 217: be amended as follows: by inserting a new section called Section 3, as follows: "Section 3. That hereafter the duties heretofore performed by auditors in counties in which they shall have been elected shall be performed by the same officers charged with the performance of those duties in counties below the fifth class" and renumbering the subsequent sections.

And when so amended, do pass.

H. B. No. 231: be amended as follows: Section 1 by inserting in line 9 after the word "mayor" the words "subject to the approval of the council."

And when so amended, do pass.

SCHARNIKOW, Chairman."

Moved by Scharnikow, duly seconded that the report be adopted.

Moved by Smethurst, duly seconded that House Bill No. 201 be segregated. The motion having failed and question arising on the motion to adopt the report, same carried.

The Committee on Enrollment reported as follows:

"Mr. Speaker:

We, your Committee on Enrollment wish to report House Bills Nos. 94 and No. 83, correctly enrolled.

McAFEE, Chairman."

"Mr. Speaker:

We, your Committee on Enrollment wish to report House Bills Nos. 34 and No. 87 and House Joint Resolution No. 1, correctly enrolled.

McAFEE, Chairman."

The Committee on Engrossment reported as follows:

"Mr. Speaker:

We, your Committee on Engrossment, to whom was referred House Bills Nos. 19, 157, 174, 215 and 119, beg leave to report same back correctly engrossed.

LARSON of Richland, Chairman."

The following Majority and Minority reports of the Committee on Workmen's Compensation were received:

"Mr. Speaker:

We, a majority of your Committee on Workmen's Compensation, having had under consideration, H. B. No. 358, introduced by Smethurst: "A Bill for an Act entitled: 'An Act to amend Sections 2870, 2891, 2898, 2900, 2912, 2913, 2915, 2918, 2919 and 2920 Revised Codes Montana 1921 relating to the Workmen's Compensation Law and providing for the inclusion of certain occupational diseases, for the payment of compensation to children up to the age of eighteen years, for a maximum waiting period of one week, for the establishment of a compensation rate limited to sixty-six and two-thirds percentum of the wages with a maximum of fifteen dollars per week and a minimum of seven dollars and fifty cents per week and providing for the repeal of all Acts and parts of Acts in conflict herewith'," respectfully report as follows:

That H. B. No. 358, do pass.

CAPLIS.  
SMETHURST,  
DENNY.  
CLARKE,  
CADY.  
HANSON, Chairman."

"Mr. Speaker:

We, a minority of your your Committee on Workmen's Compensation having had under consideration, H. B. No. 358, introduced by Smethurst: "A Bill for an Act entitled: 'An Act to amend Sections 2870, 2891, 2898, 2900, 2912, 2913, 2915, 2918, 2919 and 2920 Revised Codes Montana 1921 relating to the Workmen's Compensation Law and providing for the inclusion of certain occupational diseases, for the payment of compensation to children up to the age of eighteen years, for a maximum waiting period of one week, for the establishment of a compensation rate limited to sixty-six and two-thirds percentum of the wages with a maximum of fifteen dollars per week and a minimum of seven dollars and fifty cents per week and providing for the repeal of all Acts and parts of Acts in conflict herewith'," respectfully report as follows:

That H. B. No. 358, do not pass.

LEMMON.  
KENNEDY,  
LEASE,  
LEAVENS."

Moved by Smethurst, duly seconded, that Majority report be adopted.

Moved by Lemmon as a substitute, duly seconded, that Minority report be adopted.

Previous question moved by Smith, duly seconded and carried.

Smethurst having requested a roll call, duly seconded, the motion to adopt Minority report failed, the vote being as follows:

Ayes: Armstrong, Berryman, Bohling, Cowley, Kennedy, Lease, Leavens, Lemmon, McLeod, O'Connell, Rodgers. Total—11.

Noes: Andrew, Andrus, Arnold, Baker, Bergstrom, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Buell, Burke, Buttleman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Silver Bow), Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Loble, McAfee, McCarty, McCormack, Maury, Murphy, Mushbach, Nelson, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Terrett, Tierney, Troy, Wold, Mr. Speaker. Total—81.

Absent and not voting: Benedict, Bernard, Gillette, Kelly (Pondera), Myrick, Roscow, Tawney, Zuck. Total—8.

The question arising on the motion to adopt the Majority report, same carried.

Moved by Gullidge, duly seconded and carried that the House resume its sitting in the Committee of the Whole.

Scharnikow in the chair.

Committee arose.

Mr. Speaker pro-tem in the chair.

The Committee of the Whole reported as follows:

“Mr. Speaker:

We, your Committee of the Whole, having had under consideration bills on General Orders, respectfully report back with the recommendation that:

H. B. No. 240: do pass.

H. B. No. 259: do pass.

H. B. No. 266: do pass.

H. B. No. 63: be amended as follows: Section 2, by striking out of lines 5 and 6 the words: “and shall conform in number, size and boundaries to the representative districts provided for in Section 3 this article.”

And when so amended, do pass.

H. B. No. 84: be amended as follows: Section 4, line 12, page 3, after the word “terminal,” strike out the balance of Section 4 and substitute the following: “But said Commission shall have the power after hearing when the applicant requests a certificate to operate in a territory already served by a certificate holder or licensee, under this Act, only when the existing auto transportation company or companies serving such territory, route or stage line, will not provide transportation facilities and service to the satisfaction of the Commission, and in all other cases with or without hearing, to issue said certificates as prayed for, or for good cause shown to refuse to issue same or to issue it for the partial exercise only of the said privilege sought, and may attach to the exercise of the rights granted by said certificate such terms and conditions as in its judgment the public convenience and necessity may require.”

Section 6, by adding at the end thereof “personal sureties shall not be accepted by the Railroad Commission upon any bond provided by this Act.”

Strike out all of Section 12 after the words “Section 12” and insert in lieu thereof “This Act shall be in full force and effect on and after its passage and approval.”

And when so amended, do pass.

SCHARNIKOW, Chairman.”

On motion of Scharnikow, report adopted.

The Committee on Engrossment reported as follows:

“Mr. Speaker:

We, your Committee on Engrossment to whom was referred Sub. House Bill No. 43, beg leave to report same back as correctly engrossed.

LARSON of Richland, Chairman.”

The Committee on Printing reported as follows:

“Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bills Nos. 273, 279, 344, beg leave to report that same have this date been returned from the printer correctly printed.

BRAY, Chairman.”



“Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bills Nos. 186, 242, 198, 183, 229, 216, 181, 278, 193, beg leave to report that same have this date been returned from the printer correctly printed.

BRAY, Chairman.”

Moved by Cowley, duly seconded and carried that the House adjourn until Friday, February 16, at 10:30 A. M.

CALVIN CRUMBAKER, Speaker.

Attest: JAMES A. SHOEMAKER, Chief Clerk.

## FORTY-SEVENTH DAY

House of Representatives,

February 16, 1923.

House convened pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Upon roll call all present except: Gillette, excused.

The Committee on Journal reported as follows:

“Mr. Speaker:

We, your Committee on Journal, have this day examined the Journal for the 46th Legislative day and found the same correct.

ZUCK, Vice Chairman.”

Report adopted.

The Committee on Engrossment reported as follows:

“Mr. Speaker:

We, your Committee on Engrossment, to whom was referred House Bills No. 113, 166, 207, 228, 230, 238 and Sub. House Bill No. 59, beg leave to report same back correctly engrossed.

LARSON of Richland, Chairman.”

The Committee on Printing reported as follows:

“Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bills Nos. 281, 242, 186, 216, 181, 278, 198, 193, 229, 344, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman.”

## COMMUNICATIONS AND PETITIONS

Moved by Buell, duly seconded and carried that the following Senate Communications be considered read at length:

“Helena, Montana, February 15, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that on motion of Senator Henderson, the action by which House Bill No. 137 was not concurred in, was this day re-considered and said bill was ordered recalled from the House and placed on general file.

Very respectfully,

J. F. CONE, Secretary of the Senate.”

“Helena, Montana, February 15, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 137 introduced by Andrus, on motion made in Committee of the Whole, duly seconded and carried, the enacting clause was stricken out and bill is herewith returned.

That the Committee on Judiciary to whom was referred House Bill No. 114 by Pope and House Bill No. 124 by Scharnikow, recommend that said bills be not concurred in and are herewith returned.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 15, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Senate Bills were this day read three times, and passed, title agreed to and are herewith transmitted to the House for concurrence:

Senate Bill No. 80, introduced by Loy.

Senate Bill No. 100, introduced by McCone.

Senate Bill No. 102, introduced by Cooper.

Senate Bill No. 107, introduced by McQuitty.

Senate Bill No. 126, introduced by Mears.

Senate Bill No. 122, introduced by Rhoads.

Senate Bill No. 43, introduced by Siegfriedt.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 15, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee of the Whole to whom was referred business on general file report and recommend as follows:

**Reports adopted.**

That Senate Bill No. 113 be amended in Section 3, line 7, after the word "bond" by adding the following words: "Provided, such expense and per diem be approved by unanimous vote of said Board."

Also in Section 4, line 38, by adding after the word "kind" in said line, the following words: "or for the making or purchasing of surveys, maps, plans, estimates and specifications, or for the purchase of machinery for pumping plants, or the erection of buildings, aqueducts and other structures necessarily used in connection with such pumping plants."

Also in Section 4, line 41, by adding after the word "distinct" in said line, the following sentence: "Any splitting or division of such purchase, lease or contract with the purpose of intention of avoiding or circumventing the provisions of this section shall render such divided or split contract or contracts absolutely null and void."

Also in Section 19, line 46, by adding after the word "year", the following words: "But no such assessment shall be made later than three years after the occurrence of such omission."

Also in Section 20, in lines 32 and 33 by striking out the words "all other irrigable lands," and inserting in lieu thereof, the following words: "every other acre of irrigable land."

And as so amended, recommend same do pass.

That Senate Bill No. 98, do pass.

That Senate Bill No. 129, do pass.

That Senate Substitute for Senate Bill No. 61, do pass.

That Senate Bill No. 134 be amended in Section 1 by inserting in line 1 of said section after the word "money" the following, "In excess of the amount necessary to redeem outstanding bonds."

And as amended, recommend same do pass.

That Senate Substitute for Senate Bill No. 50 do pass.

That Senate Bill No. 51, do pass.

That Senate Bill No. 142 do pass.

That Senate Bill No. 45 be amended by striking out Section 1 and renumbering the rest of the section to conform therewith,

Amend Section 2 as follows: "all persons in charge of any state property shall upon request of the state purchasing agent furnish to said purchasing agent a sworn statement of all property in its possession belonging to the State of

Montana together with an estimate of the whole thereof and such other information in connection therewith as the State purchasing agent shall require, "to be added to the end of the section."

And as amended, recommend that same do pass.

That Senate Bill No. 110 do pass.

That House Bill No. 172, be concurred in.

That House Bill No. 49, be concurred in.

That House Bill No. 125, be concurred in.

That House Bill No. 142, be concurred in.

That House Bill No. 55, be concurred in.

That House Bill No. 35, be concurred in.

That House Joint Memorial No. 6, be concurred in.

That House Bill No. 80, be concurred in.

That the enacting clause of House Bill No. 137 be stricken.

(signed) PAUL, Chairman.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"February 15, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Senate bills were this day introduced, read first and second times, and referred to committees as follows:

Senate Bill No. 189, introduced by Committee on Stockgrowing and Grazing: "A Bill for an Act entitled: 'An Act to amend Section 2083 of the Revised Codes of Montana, 1921, relating to bounties on predatory animals.'" Referred to Committee on Stockgrowing and Grazing.

Senate Bill No. 190, introduced by Gibson: "A Bill for an Act entitled: 'An Act to amend Section 12247 of the Revised Codes 1921, relating to the power of the Governor to grant pardons, commutation of sentence, remission of fines and forfeitures, and creation of board of pardons.'" Referred to Committee on Judiciary.

Senate Bill No. 191, introduced by Coburn: "A Bill for an Act entitled: 'An Act to amend Section 10256 of the Revised Codes of Montana 1921, relating to leasing by executors and administrators of realty belonging to estates of deceased persons and obtaining order of court therefor.'" Referred to Committee on Judiciary.

Senate Bill No. 192, introduced by McQuitty: "A Bill for an Act entitled: 'An Act re-establishing and defining the boundary line between Wheatland county and Fergus county, State of Montana, and amending Sections 4318 and 4356 of the Revised Codes of Montana of 1921.'" Referred to Committee on New Counties and Divisions.

Senate Bill No. 193, introduced by Haaland: "A Bill for an Act entitled: 'An Act prescribing the form and size of Jury Box No. 1, Jury Box No. 2, and Jury Box No. 3; providing how said jury boxes shall be mounted; providing said boxes shall be revolved before drawing capsules therefrom, and repealing all acts and parts of acts in conflict herewith.'" Referred to Committee on Judiciary.

Senate Bill No. 194, introduced by Leighton: "A Bill for an Act entitled: 'An Act providing for the propounding and prosecution of a claim by and in the name of the State of Montana against the government of the United States for the recovery, under the present laws of the United States or such as may be thereafter enacted, from said government of all moneys heretofore paid illegally into the Federal treasury as a direct tax upon property situated in the State of Montana; providing for the recovery of same; authorizing the board of examiners of the State to employ counsel and enter into the necessary contracts and agreements for the carrying out of the object of this act; providing for notice to and procedure by claimants of such moneys and fixing a prescription period after which such moneys shall escheat to and become the absolute property of the State of Montana.'" Referred to Committee on Federal Relations.

J. F. CONE, Secretary of the Senate."



"February 15, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Standing Committee report as follows: Reports adopted.

Committee on Judiciary: Senate Bill No. 135, introduced by Pauline. Recommend that said bill do not pass.

Committee on Judiciary: House Bill No. 114, introduced by Pope. Recommend that said bill be not concurred in.

Committee on Judiciary: House Bill No. 124, introduced by Scharnikow. Recommend that said bill be not concurred in.

Committee on Judiciary: Senate Bill No. 162, introduced by Watson. Recommend that said bill do not pass.

Committee on Judiciary: Senate Bill No. 181, introduced by Committee on Judiciary. Recommend that said bill do pass.

Committee on Judiciary: Senate Bill No. 33, introduced by Haaland. Recommend that bill be returned without recommendation.

Committee on Judiciary: Senate Bill No. 157, introduced by Walker. Recommend that said bill be amended by striking out all of Section 1 and inserting in lieu thereof the following:

Section 1. That Section 6537 of the Revised Codes of Montana, 1921, be and the same is hereby amended to read as follows:

Section 6537. Conditional Sale of Equipment. In any contract for the sale of railroad or street-railway equipment or rolling-stock, it shall be lawful to agree that the title to the property sold or contracted to be sold, although possession thereof may be delivered immediately, or at any time or times subsequently, shall not vest in the purchaser until the purchase price shall be fully paid, or that the seller shall have and retain a lien thereon for the unpaid purchase money, and in any contract for the leasing or hiring of such property, it shall be lawful to stipulate for a conditional sale thereof at the termination of such contract, and that the rentals or amounts to be received under such contract may, as paid, be applied and treated as purchase-money, and that the title to the property shall not vest in the lessee or bailee until the purchase price shall have been paid in full, and until the terms of the contract shall have been fully performed notwithstanding delivery to and possession by such lessee or bailee; provided that no such contract shall be valid as against any subsequent judgment creditor, or any subsequent bona fide purchaser for value and without notice unless:

1. The same shall be evidenced by an instrument executed by the parties and duly acknowledged by the vendee, or lessee, or bailee, as the case may be, or duly proved, before some person authorized by law to take acknowledgment of deeds, and in the same manner as deeds are acknowledged or proved;

2. Such instrument shall be filed for record in the office of the Secretary of State of this State, and in cases in which the line of such railroad or street railway company lies wholly within one county, also in the office of the county clerk and recorder of said county.

3. Each locomotive engine or car so sold, leased or hired, or contracted to be sold, leased, or hired as aforesaid, shall have the name of the vendor, lessor, or bailor, plainly marked on each side thereof, followed by the word "owner," or "lessor," or "bailor," as the case may be.

And that as so amended, said bill do pass.

Committee on Judiciary: House Bill No. 75, introduced by Sandy, recommend that said bill be amended to read as follows:

Section 1. That Section 5030 of the Revised Codes of Montana 1921, be, and the same is hereby amended so as to read as follows:

Section 5030. Powers of Mayor. The mayor is the chief executive officer of the city or town, and has power;

1. To nominate, and with the consent of the council to appoint all non-elective officers of the city or town provided for by the council, except the assistants, clerks and stenographers of the city or town treasurer, which said assistants, clerks and stenographers of said city or town treasurer shall be nominated by the said treasurer, and also except as provided in this title.

2. To suspend, and, with the consent of the council, to remove any non-elective officer, stating in the suspension or removal the cause thereof.

3. To cause the ordinances of the city or town to be executed, and to supervise the discharge of official duty by all subordinate officers.

4. To communicate to the council, at the beginning of every session, and oftener if deemed necessary, a statement of the affairs of the city or town, with such recommendations as he may deem proper.

5. To recommend to the council such measures connected with the public health, cleanliness, and ornament of the city or town, and the improvement of the government and finances, as he deems expedient.

6. To approve all ordinances and resolutions of the council adopted by it, and, in the case the same do not meet his approbation, to return the same to the next regular meeting of the council, with his objections in writing, and no ordinance or resolution so vetoed by the mayor must go into effect unless the same be afterwards passed by two-thirds vote of the whole number of members of the council.

7. To veto any objectionable part of a resolution or ordinance, and approve the other parts. If the mayor fail to return any resolution or ordinance as aforesaid, the same takes effect without further action.

8. To call special meetings of the council, and when so called he must state by message the object of the meeting, and the business of the meeting must be restricted by the object stated.

9. To cause to be presented, once in three months, a full and complete statement of the financial condition of the city or town.

10. To bid in for the city or town any property sold at a tax or judicial sale, where the city or town is a party or interested.

11. To procure and have in his custody the seal of the city or town.

12. To take and administer oaths.

13. To call on every male citizen of the city or town, over the age of eighteen years, to aid in the enforcement of the laws and ordinances in case of riots: to call out the militia to aid him in suppressing the same or other disorderly conduct, preventing and extinguishing fires, for securing the peace and safety of the city, or for carrying into effect any law or ordinance; and any person who does not obey such call forfeits to the city or town a fine not exceeding twenty-five dollars.

14. To require of any of the officers of a city or town an exhibit of his books and papers.

15. To grant pardons and remit fines and forfeitures for offenses against city or town ordinances, when in his judgment public justice would be thereby subserved; but he must report all pardons granted, with the reasons therefor, to the next council.

16. To perform such other duties as may be prescribed by law or by resolution or ordinance of the council.

17. He has such power as may be vested in him by ordinance of the city or town, in and over all places within five miles of the boundaries of the city or town, for the purpose of enforcing the health and quarantine ordinances and regulations thereof.

And that as so amended, said bill be concurred in.

Committee on Judiciary: House Bill No. 112, introduced by McLeod, recommend that said bill be amended to read as follows:

Section 1. That Section 4465 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Section 4465. General and Permanent Powers. The board of county commissioners has jurisdiction and power under each limitations and restrictions as are prescribed by law;

1. To supervise the official conduct of all county officers, and officers of all districts and other subdivisions of the county, charged with assessing, collecting, safe keeping, management, or disbursement of the public revenues: see that they faithfully perform their duties; direct prosecutions for delinquencies; and, when necessary, require them to renew their official bonds, to make reports, and to present their books and accounts for inspection.

2. To divide the counties into township, school, road, and other districts required by law, change the same, and create others as convenience requires.

3. To establish, abolish, and change election precincts, and to appoint judges of election, canvass all election returns, declare the result, and issue certificates thereof.



4. To lay out, maintain, control, and manage public highways, ferries, and bridges, within the county, and levy such tax therefor as required by law; provided, however, that they may, in the exercise of a sound discretion, jointly with other counties, lay out, maintain, control, manage, and improve public highways, ferries and bridges in adjacent counties, wholly or in such part as may be agreed upon between the boards of county commissioners of the counties concerned, and levy taxes therefor as provided by law.

5. To provide for the care and maintenance of the indigent sick or the otherwise dependent poor of the county; erect and maintain hospitals therefor, or otherwise provide for the same; and to levy necessary taxes therefor, per capita, not exceeding two dollars (\$2.00), and a tax on property not exceeding three-fifths of one per cent (1%); or either of such levies when both are not required, and to expend not to exceed five per cent (5%) of any such levy for the collection of said per capita tax, or of any part thereof.

6. To provide a farm for the support of the poor of the county, and make regulations for working the same.

7. When there are no necessary county buildings, to provide suitable rooms for county purposes.

8. To purchase, receive by donations, or lease any real or personal property necessary for the use of the county, preserve, take care of, manage, and control the same; but no purchase of real property must be made unless the value of the same has been previously estimated by three disinterested citizens of the county appointed by the district judge for that purpose, and no more than the appraised value must be paid therefor.

9. To cause to be erected and furnished a court-house, jail, hospital, and such other public buildings as may be necessary.

10. To sell at public auction at the court-house door, after thirty days' previous notice, given by publication in a newspaper of the county, or posted in five public places of the county, and convey to the highest bidder, for cash, any property, real or personal, belonging to the county paying the proceeds into the county treasury for the use of the county.

11. At the regular meetings of the board, to examine and allow the accounts of all officers having the care, management, collection, or disbursement of moneys belonging to the county, or appropriated by law or otherwise for its use and benefit.

12. At the regular meetings of the board to examine, settle, and allow all accounts legally chargeable against the county except salaries of officers, and order warrants to be drawn on the county treasurer therefor, and provide for the issuing of the same.

13. To levy such tax annually on the taxable property of the county for county purposes as may be necessary to defray the current expenses therefor, including salaries otherwise unprovided for, not exceeding sixteen mills on each dollar of the assessed valuation for any one year; and to levy such taxes as are required to be levied by special or local statutes.

14. To equalize the assessments.

15. To direct and control the prosecution and defense of all suits to which the county is a party.

16. To insure the county buildings in the name of and for the benefit of the county.

17. To grant licenses for keeping ferries, and such other licenses as are provided by law.

18. To fix the compensation of all county officers not otherwise in this code or by general or special law fixed, and provide for the payment of the same.

19. To fill by appointment all vacancies that may occur in county, township, or precinct offices, except in the office of county commissioner.

20. To contract for the county printing, and provide books and stationery for county officers.

21. At the adjournment of each session for the board, to cause to be published in a newspaper, or otherwise, a fair statement of all its proceedings, and annually a statement of the financial condition of the county.

22. To represent the county, and have the care of county property, and the management of the business and concerns of the county in all cases where no other provision is made by law.



23. To make and enforce such rules for its government, the preservation of order, and the transaction of business, as may be necessary.

24. To adopt a seal for the board, a description and impression whereof must be filed by the clerk in the offices of the county clerk and Secretary of State.

25. To perform all other acts and things required by law not in this title enumerated, or which may be necessary to the full discharge of the duties of the chief executive authority of the county government.

26. To borrow money upon the credit of the county to meet current expenses, if the county revenue is insufficient.

27. To issue on the credit of the county coupon bonds to an amount sufficient to secure the necessary funds for the procurement of necessary building sites, for the construction of necessary public buildings, and for the construction of bridges and highways, in accordance with the provisions of Article 3 and 4, Chapter 2, Title 2, Part 4 of the Political Code (see note).

And that as so amended, said bill be concurred in.

Committee on Education: Senate Bill No. 186, introduced by Committee on Education, recommend that the same do pass.

Committee on Corporations Other Than Municipal: Senate Bill No. 173, introduced by Paul, recommend that same do pass.

Committee on Finance and Claims: House Bill No. 53, report that House Bill No. 53 be amended as follows:

That the title be amended by striking out after the word "bonds" in line 6 the words, "or straight term bonds."

Striking out in line 8 the word "Various" and place in lieu thereof the word "two."

Amend Section 1, by striking out in line 22 after the word "bonds" all of remaining part of said section.

Amend Section 2 by striking out all of sub-division 3.

Amend Section 3, Line 19, by striking out the words "Straight term bonds or."

Amend Section 3, Line 26, after the words "first choice," by inserting the word "and."

Amend Section 3 by striking out after the words "second choice," in line 26 the words, "and that straight term bonds are the last choice."

And that as so amended bill be concurred in.

Committee on Finance and Claims: House Bill No. 121, introduced by Carlson of Gallatin, recommend that same be concurred in.

Committee on Finance and Claims: House Bill No. 165, introduced by Appropriations Committee, recommend that same be concurred in.

Committee on Finance and Claims: House Bill No. 118, introduced by Carlson of Gallatin, recommend that same be concurred in.

Committee on Finance and Claims: House Bill No. 42, introduced by Cowley, recommend that same be concurred in.

Committee on Counties and Towns: House Bill No. 58, introduced by Rodgers, that bill be concurred in.

Committee on Stockgrowing and Grazing: Senate Bill No. 189, introduced by Committee on Stockgrowing and Grazing, recommend that same do pass.

Committee on Sanitary Affairs: Senate Bill No. 84, by Pauline, recommend that same do not pass.

Very respectfully,

J. F. CONE, Secretary of the Senate."

#### OTHER COMMUNICATIONS.

A notice from the State Board of Equalization of a meeting of county assessors was read.

The following communication from the Highway Commission was upon motion of Gullidge, considered read at length:

"Helena, Montana, February 15, 1923.

The Speaker,  
House of Representatives,  
Eighteenth Legislative Assembly.

Dear Sir: In response to the resolution introduced by Representative Carlson of Gallatin county on February 14th and transmitted to me on this day, I submit the following:

First: Federal Aid road funds allotted to Montana and not unmatched will revert to the Federal government for redistribution to other states upon the dates and in the amounts shown below:

On July 1, 1923, approximately .....	\$ 800,000.00
On July 1, 1924 .....	1,458,586.60

\$2,258,586.60

An additional amount of \$1,031,257.21 will, unless matched, revert on July 1, 1925. It is admittedly impossible to make surveys and plans for and to secure approval of and executed agreements covering, this volume of work (Approximately \$2,000,000) between the adjourn of the 19th Legislative Assembly in March 1925 and July 1st of that year. It would seem proper therefore to provide for matching at least one-half of this amount during the next two years, or say .....

500,000.00

Total Federal Aid that must or should be matched prior to January 1, 1925 .....	\$2,758,586.60
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If the \$800,000.00 that will otherwise lapse on July 1, 1923, is matched and not permitted to revert, the Government will pay 100% of the cost of approved Federal Aid projects lying upon Indian Reservations, which it now appears will cover Federal Aid amounting to approximately .....	1,200,000.00
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Leaving to be matched with state or county funds, Federal Aid amounting to .....	\$1,558,586.60
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Second: (a). To match \$1,558,586.60 of Federal funds on the prevailing basis of co-operation, (Federal 53% Local 47%) will require state or county funds in the amount of.....	\$1,382,143.10
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(b). Due partly to the fact that the administrative details of routing and investigating the proposed 7% Federal Aid highway system and the forest highway system are complete, due partly to the decreased volume of business anticipated; and particularly since the more favorable location of Indian reservation and other 1923 and 1924 Federal Aid projects will permit handling the field work from but one division office outside of Helena, the overhead expense for the next two years will be materially lower than in the past, and is estimated as follows:

(a). Administration, all headquarters and division office expense per year \$85,000.00; for two years \$170,000.00 (but one division office contemplated outside of Helena).....	\$ 170,000.00
Surveys and plans for 1923 and part of 1924 Federal Aid work practically complete.	
(b). Surveys and plans for part of 1924 and part of 1925 estimated at 2½% of \$3,000,000 .....	75,000.00
(c). Supervision and inspection, 1923 and 1924 Federal Aid contingent upon value of construction; estimated at 4% of \$4,500,000.00 .....	180,000.00
Total estimated overhead and engineering for Federal Aid work, to January 1, 1925 .....	\$ 425,000.00

Note: Of this overhead expense the Federal Government will contribute approximately \$125,000.00, making the net cost of overhead to the State \$300,000.00. However this money is not recoverable until the projects are complete and provision must be made for carrying the expense.

Permit me to suggest that in addition to the above, provision should be made for financing the following:

1. Maintenance of Completed Federal Aid Projects; 800 miles 1923. Not less than 1,000 miles 1924.  
Total 1,800 miles at \$100.00 per mile.....\$ 180,000.00

2. Revolving Fund for Indian Reservation Projects:  
Since reservation projects will be built entirely at the expense of the Federal Government, some provision must be made for advancing money to the contractors, pending the receipt of Federal money on account of work done. The Federal Government will not permit the department to state in its specifications that contractors will be paid for work done on reservation projects as Federal funds are received. It should be observed that this fund will be intact at the end of 1924. Amount suggested for this purpose .....\$ 225,000.00

Respectfully submitted,  
GEO. W. LANSTRUM,  
State Highway Commissioner."

### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received:

"Mr. Speaker:

We, your Committee on Workmen's Compensation, having had under consideration H. B. No. 270, introduced by Stoner, "An Act to amend Sections 2865, 2867, 2891, 2892, 2898, 2899, 2900, 2905, 2906, 2907, 2911, 2912, 2913, 2914, 2915, 2916, 2917, 2918, 2919 and 2920, of the Revised Codes of Montana of 1921, relating to the Workmen's Compensation law; and to repeal Sections 2893, 2894, 2895, 2897, 2909, and 2910 of the Revised Codes of Montana 1921, relating to Workmen's Compensation law," respectfully report as follows:

That H. B. No. 270 do not pass.

HANSON, Chairman."

On motion of Hanson, report adopted.

"Mr. Speaker:

We, your Committee on Workmen's Compensation, having had under consideration H. B. No. 235, introduced by Smethurst, "An Act to amend Sections 2865, 2866, 2867, 2870, 2876, 2877, 2889, 2891, 2892, 2893, 2894, 2896, 2897, 2898, 2899, 2900, 2905, 2906, 2907, 2911, 2912, 2913, 2914, 2915, 2916, 2917, 2918, 2919, and 2920, of the Revised Codes of Montana of 1921, relating to the Workmen's Compensation law; and to repeal Sections 2909, and 2910 of the Revised Codes of Montana of 1921 relating to Workmen's Compensation law," respectfully report as follows:

That H. B. No. 235 do not pass.

HANSON, Chairman."

On motion of Hanson, report adopted.

"Mr. Speaker:

We, your Committee on Revenue and Taxation, having had under consideration H. B. No. 68, by Tierney, a Bill for an Act entitled: "An Act repealing Sections 1999 and 2000 of the Revised Codes of Montana, 1921, relating to the classification of property for taxation and the basis for the imposition of taxes upon different classes of property," respectfully report as follows:

The committee was unanimous in agreeing that the present classification of various kinds of property is not just; that this bill is one of high merit and that were there time sufficient to give the bill sufficient consideration before the end of the session, we would not report it out unfavorable. We recommend that the bill do not pass, but we suggest that the legislature memorialize the State Board of Equalization that information be gotten by said board and present it to the next Legislative Assembly for the purpose of enabling a more just classification to be enacted into law.

SWIFT, Chairman."



Moved by Swift, and duly seconded that report be adopted.

Moved by Tierney, duly seconded that House Bill No. 68 be printed and placed on General Orders.

Bosley having demanded a roll call, duly seconded, the substitute motion carried, the vote being as follows:

Ayes: Andrew, Andrus, Armstrong Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Boorman, Bosley, Bray, Bricker, Buchanan, Buell, Buttleman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smet-hurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total, 92.

Noes: Bohling, Burke, Lease. Total, 3.

Absent and not voting: Brandjord, Cowley, Gillette, Gillin, Roscow. Total, 5.

"Mr. Speaker:

We, your Committee on Public Morals and Charities, having had under consideration H. B. No. 90, introduced by Facey, a Bill for an Act entitled: "An Act providing for the licensing and regulating of pool halls, billiard halls and card rooms: prescribing the amount of such license, the manner of applying for and granting the same, and providing for the revocation thereof for violations of this act; requiring the filing of monthly affidavits by all persons engaged in the active management or operation of such pool halls, billiard halls or card rooms, and all employees thereof, to the effect that intoxicating liquors have not been sold, bartered, exchanged or given away, in or about such place of business during the preceding month, and declaring the making of a false affidavit thereof to be perjury," respectfully report as follows:

That H. B. No. 90 recommend that the same do pass.

FACEY, Chairman."

On motion of Facey, report adopted.

"Mr. Speaker:

We, your Committee on Public Morals and Charities, having had under consideration H. B. No. 213, introduced by Facey, a Bill for an Act entitled: "An Act to prohibit pool halls, billiard halls or card rooms, from erecting and maintaining screens, curtains or partitions which obstruct the clear view of the interior thereof; declaring a violation of this act to be a misdemeanor and fixing a penalty," respectfully report as follows:

That H. B. No. 213 recommend that the same do pass.

FACEY, Chairman."

On motion of Facey, report adopted.

"Mr. Speaker:

We, your Committee on Public Morals and Charities, having had under consideration H. B. No. 245, introduced by Committee on Public Morals, Charities and Reforms, a Bill for an Act entitled: "An Act to amend Section 11020, Revised Codes of 1921, relating to the desertion, abandonment or failure to support a child or pregnant wife," respectfully report as follows:

That H. B. No. 245 recommend that the same do pass.

FACEY, Chairman."

On motion of Facey, report adopted.

"Mr. Speaker:

We, your Committee on Townships and Counties, having had under consideration H. B. No. 209, introduced by Loble, Smith and Oker, a Bill for an Act entitled: "An Act to amend Sections 4584, 4586, and 4592 of Chapter 17 of Part IV of the Political Code of Montana of 1921, relating to the assessment of the cost of rural improvements and the operation and maintenance of rural

improvements and to add to said chapter a new section to be numbered 4598a, relating to water rentals in rural improvement districts," respectfully report as follows:

That H. B. No. 209 recommend that this bill do not pass.

SPENCER, Chairman."

On motion of Spencer, report adopted.

"Mr. Speaker:

We, your Committee on Education, having had under consideration H. B. No. 352, introduced by Andrus, a Bill for an Act entitled: "An Act amending Section 950 Revised Codes of Montana of 1921, relating to the qualifications of county superintendent of common schools," respectfully report as follows:

That as H. B. No. 352 is a direct violation of the State Constitution, your committee recommends that bill do not pass.

GULLIDGE, Chairman."

On motion of Gullidge, report adopted.

"Mr. Speaker:

We, your Committee on Education, having had under consideration S. B. No. 79, introduced by Porter, a Bill for an Act entitled: "An emergency act authorizing the board of school trustees of any school district, having all or any part of its funds deposited in any bank, which has become insolvent to issue warrants for the necessary current expenses of the school to the amount of not to exceed one hundred per centum of such funds so deposited; to fund such warrants by the issuance of bonds under certain conditions described herein; providing for the payment of the principal and interest of such bonds and for the levying of a tax therefor; and declaring this act to be an emergency measure," respectfully report as follows:

That S. B. No. 79 be concurred in.

GULLIDGE, Chairman."

On motion of Gullidge, report adopted.

"Mr. Speaker:

We, your Committee on Education, having had under consideration S. B. No. 85, introduced by Porter, a Bill for an Act entitled: "An emergency act authorizing the board of trustees of any county high school having all or any part of its funds deposited in any bank, which has become insolvent, to issue warrants for the necessary current expenses for the said county high school to the amount of not to exceed 100 per centum of such funds so deposited; authorizing the board of county commissioners to refund such warrants by the issuance of bonds under certain conditions described therein; providing for the payment of the principal and interest of such bonds and for the levying of the tax therefore; and declaring this act to be an emergency measure," respectfully report as follows:

That S. B. No. 85 be concurred in.

GULLIDGE, Chairman."

On motion of Gullidge, report adopted.

"Mr. Speaker:

We, your Committee on Agriculture, having had under consideration H. B. No. 326, introduced by Kelly of Pondera, by request, being a Bill for an Act entitled: "An Act relating to the service fees of stallions and jacks; and repealing Section 5813 and 5815 of the Revised Codes of Montana, 1907, as amended by Chapter 45 of the laws of the Thirteenth Legislative Assembly approved March 1st, 1913," respectfully report as follows:

That we recommend that H. B. No. 326 do not pass.

McCORMACK, Chairman."

On motion of McCormack, report adopted.

"Mr. Speaker:

We, your Committee on Mines and Mining, having had under consideration H. B. No. 252, introduced by Pilgeram, "An Act providing for ventilation of quartz mines, and providing penalties for the violation thereof," respectfully report as follows:

That H. B. No. 252 do not pass.

McLEOD, Chairman."

On motion of McLeod, report adopted.

"Mr. Speaker :

We, your Committee on Mines and Mining, having had under consideration H. B. No. 254, introduced by Joffray, a Bill for an Act entitled: "An Act to amend Section 11273 of the Revised Codes of Montana of 1921, providing for escapement shafts and openings in quartz mines," respectfully report as follows:

That H. B. No. 254 do not pass.

McLEOD, Chairman."

On motion of McLeod, report adopted.

"Mr. Speaker :

We, your Committee on Highways, having had under consideration H. B. No. 354, introduced by Committee on Highways, being a Bill for an Act entitled: "An Act to amend Sections 2382 and 2392 of the Revised Codes of Montana of 1921 relating to the imposition of the tax on gasoline, tax collection and disposition thereof, and repealing Sections 2393 and 2394 of the Revised Codes of Montana of 1921," respectfully report as follows:

That H. B. No. 354 be amended to read as follows:

That the words "from and" in Section 5, Line 2, be stricken out, and in lieu thereof the words "fifteen days" be inserted.

And that as so amended the bill do pass.

BERNARD, Chairman."

On motion of Bernard, report adopted.

"Mr. Speaker :

We, your Committee on Highways, having had under consideration H. B. No. 353, introduced by Committee on Highways, being a Bill for an Act entitled: "An Act to amend Section 1760 of the Revised Codes of Montana, 1921, relating to registration fees for motor vehicles and the disposition thereof, and repealing all acts and parts of acts in conflict herewith," respectfully report as follows:

That H. B. No. 353 do pass.

BERNARD, Chairman."

On motion of Bernard, report adopted.

"Mr. Speaker :

We, your Committee on Highways, having had under consideration H. B. No. 356, introduced by Loble, being a Bill for an Act entitled: "An Act to amend Section 1743, Chapter 134, of the Revised Codes of Montana, 1921, relating to speed and traffic regulation," respectfully report as follows:

That H. B. No. 356 do pass.

BERNARD, Chairman."

On motion of Bernard, report adopted.

"Mr. Speaker :

We, your Committee on Public Safety, having had under consideration H. B. No. 287, introduced by Caplis, et al, being a Bill for an Act entitled: "An Act to license and regulate the business of making loans in sums of three hundred dollars (\$300.00) or less, secured or unsecured, at a greater rate of interest than ten (10) per centum per annum, prescribing the rate of interest and charge therefor, and penalties for the violation thereof, and regulating the assignment of wages or salaries earned or to be earned, when given as security for any such loan," respectfully report as follows:

That we recommend that H. B. No. 287 be amended as follows:

On page 10, following Section 19, insert a section, to be numbered Section 20, to-wit:

"Section 20. All license fees herein provided for shall be collected by the licensing official and shall be turned over to the State Treasurer. The licensing official shall have full power to employ such examiners or clerks to assist the licensing official as may from time to time be deemed necessary and fix their compensation, and all salaries and expenses necessarily incurred in the administration of this act shall be paid out of license fees collected and turned into the State treasury under the provisions of this act upon the presentation of itemized Vouchers, duly verified, and having the approval of said licensing official. The licensing official shall issue his warrant on the State Treasurer for such salaries



and expenses and the State Treasurer shall pay the same out of said fees and for that purpose the said fees are hereby appropriated for use during each fiscal year."

Also, renumber Section 20, on page 10 of said bill to be numbered Section 21.

Also renumber Section 21 to be Section 22.

Also, renumber Section 22 of said bill to be Number 23.

And when so amended do pass.

PEDEN, Chairman."

On motion of Peden, report adopted.

The Committee on Enrollment reported as follows:

"Mr. Speaker:

We, your Committee on Enrollment wish to report H. B. No. 50 correctly enrolled.

McAFEE, Chairman."

Mr. Speaker gave notice that he was about to sign House Bills Nos. 50, 94, 83, 34, 87 and H. J. R. No. 1, respectively, and thereupon signed same.

#### SPECIAL ORDER—CONSIDERATION OF GENERAL ORDERS WITH RESPECT TO SUBSTITUTE FOR HOUSE BILL NO. 81.

Moved by Gullidge, duly seconded and carried that the House resolve itself into a Committee of the Whole for the consideration of General Orders with respect to Substitute for House Bill No. 81.

Boorman in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole, having had under consideration Substitute for H. B. No. 81, respectfully report back with the recommendation that the committee report progress leaving the bill as it now is and requesting the privilege of sitting again.

BOORMAN, Chairman."

On motion of Boorman, report adopted.

Moved by Gullidge, duly seconded and carried that the House recess until 2:30 p. m.

#### AFTERNOON SESSION.

House resumed at 2:30 p. m.

Mr. Speaker in the chair.

The Committee on Printing reported as follows:

"Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bills Nos. 30, 243, Sub. 104, 297, 188, 144, 303, 276, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman."

"Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bills Nos. 278, 292, 154, 289, Sub. 107, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman."

The Committee on Engrossment reported as follows:

"Mr. Speaker:

We, your Committee on Engrossment, to whom was referred House Bill No. 84, beg leave to report same back correctly engrossed.

LARSON of Richland, Chairman."

"Mr. Speaker:

We, your Committee on Engrossment, to whom was referred House Bills Nos. 66, 266, 259, 240, 108, 140, 176, 201, 217, 227, and 231, beg leave to report same back correctly engrossed.

LARSON of Richland, Chairman."

Mr. Speaker named as the committee to investigate the Toole county and other irrigation projects: Cronk, Perrine, Buttleman.

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received:

"Mr. Speaker:

We, your Committee on Irrigation and Water Rights, having had under consideration H. B. No. 203, introduced by Buttelman and Carlson of Gallatin, a Bill for an Act entitled: "An Act relating to irrigation districts, and providing for and regulating the payment of warrants of such districts, and the registration of such warrants when presented and not paid for lack of funds, and the redemption of such warrants, and the accruing of interest thereon, and providing for the duties of the county treasurer in connection therewith," respectfully report as follows:

That H. B. No. 203 recommend that the bill do pass.

PERRINE, Chairman."

On motion of Perrine, report adopted.

"Mr. Speaker:

We, your Committee on Irrigation and Water Rights, having had under consideration H. B. No. 269, by Bricker, a Bill for an Act entitled: "An Act relating to irrigation districts, and to furnish to, and to transfer to, confer upon and vest in the State Engineer of the State of Montana all the rights, privileges, powers and duties now conferred upon, granted to, or vested in the Montana Irrigation Commission, the secretary of the Montana Irrigation Commission, the Public Service Commission of the State of Montana, the secretary of the Public Service Commission of the State of Montana, the Chief Engineer of the Montana Irrigation Commission and of the Public Service Commission of Montana under and by virtue of Chapter 13 of Montana Session Laws, extraordinary session of 1919, and Chapter 153 of Montana Session Laws for 1921, all as appearing in Sections 3947 to 4025 of the Revised Codes of Montana of 1921, both sections inclusive, excepting Section 3968 thereof, and amending and re-enacting said Section 3968 by providing that any irrigation district organized under said Chapter 153 may have the Attorney General, the State Engineer and the State Examiner examine into and report upon the legal, physical and financial features of the district, and the Secretary of State certify to the bonds of the district, all under and as provided in Chapter 236 of Montana Session Laws for 1921, the same being Sections 7216 to 7225 of said Revised Codes," respectfully report as follows:

That H. B. No. 269 recommend that same do not pass.

PERRINE, Chairman."

Moved by Perrine, duly seconded, that report be adopted.

Moved by Bricker, as a substitute motion, duly seconded, that House Bill No. 269 be printed and placed on General Orders.

"Mr. Speaker:

We, your Committee on Irrigation and Water Rights, having had under consideration H. B. No. 300, by Smith, a Bill for an Act entitled: "An Act prescribing and defining the duties and powers of the State Engineer in connection with the adjudication and administration of the water right laws of the State of Montana, fixing his salary and that of his assistants, providing for the appointment by him of an assistant and employes, and for the appointment by him of water commissioners and fixing their compensation, providing for the keeping and certifying of records by the State Engineer, providing for returns to be made annually to county assessors by water right claimants of rights claimed by them to the use of the waters of this State and for the levying and collection of a water

right license tax upon such claimed water rights, and for certain public records based upon such returns, and for presumptions of law based upon such returns, and for presumption of abandonment based upon failure of such water right claimants to make such returns, and prescribing the duties of county assessors, county treasurers, county clerks and recorders and the State Engineer with reference to such returns, records and water right license taxes, and for payment of a part of such license taxes to the State Treasurer to be by him placed in a fund known as State Engineer's water right fund, from which to pay the salaries and expenses of the State Engineer, his assistant and employes, and water commissioners appointed by him, and providing for the adjudication of water rights upon complaint of the State Engineer filed in the district court, and the procedure in connection therewith, and for the making of rules and regulations and orders and determinations thereunder by the State Engineer respecting the nature, extent or priority of rights, and the distribution and use of water, and for appeals to the district court by parties dissatisfied with same, or with the action of said State Engineer thereunder, and procedure in connection therewith," respectfully report as follows:

That H. B. No. 300 recommend that the same do not pass.

PERRINE, Chairman."

On motion of Perrine, report adopted.

"Mr. Speaker:

We, your Committee on New Counties and Divisions, having had under consideration H. B. No. 205, introduced by Bosley, a Bill for an Act entitled: "An Act to amend Section 4327 Revised Codes of Montana, 1921, relating to the boundaries of Judith Basin county, Montana," respectfully report as follows:

That H. B. No. 205 do not pass.

CARLSON of McCone, Chairman."

On motion of Carlson of McCone, report adopted.

"Mr. Speaker:

We, your Committee on New Counties and Divisions, after having had under consideration House Bill No. 330, a Bill for an Act entitled: "An Act to amend Section 4327 of the Revised Codes of Montana 1921 relating to the boundaries of Judith Basin county," recommend that the bill be amended by striking out in Section 1, the following:

Beginning in the 9th line from the bottom of page two of the original bill:

(southeast corner of section twenty-four (24), township fifteen (15) north, range seven (7) east; thence east six (6) miles, to the southwest corner of section nineteen (19), township fifteen (15) north, range nine (9) east).

And inserting in lieu thereof the words:

(northeast corner of section one (1), township fifteen (15) north, range seven (7) east; thence east three (3) miles to the southwest corner of section thirty-four (34), township sixteen (16) north, range eight (8) east; thence south four (4) miles to the southwest corner of section twenty-two (22) township fifteen (15), range eight (8) east; thence east three (3) miles to southwest corner of section nineteen (19) township fifteen (15) north, range nine (9) east).

And so amended that the bill do pass.

CARLSON of McCone, Chairman."

On motion of Carlson of McCone, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration H. B. No. 335, by Troy, entitled, "An Act to permit real property to be redeemed from tax sale by paying the original tax and interest thereon," respectfully report as follows:

That H. B. No. 335 be amended as follows:

Amend Section 1, line 9, by inserting after the word "taxes," the words, "to any county or which has been struck off to such county when the property was offered for sale, and no assignment of the certificate of such tax sale has been made by the county making such sale."

And that when so amended the bill do pass.

KENYON, Chairman."

On motion of Kenyon, report adopted.



"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration H. B. No. 350, by Roscow, by request, entitled, "An Act to amend Section 9353 of Chapter 29, and Section 12005, of Chapter 26, relating to trial, conduct of trial, and conduct of jury after submission of case," respectfully report as follows:

That H. B. No. 350, be amended as follows:

Amend Section 1, line 21, by striking out the words, "or two-thirds of them."

And when so amended the bill do pass.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration H. B. No. 135, by Buchanan and Berryman, entitled: "An Act to amend Section 4737 of the Revised Codes of Montana of 1921, relating to the deposits of county funds, and repealing Section 5036 of the Revised Codes of Montana of 1921, relating to the deposits of city and town funds," respectfully report as follows:

That H. B. No. 135 do pass.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration H. B. No. 321, by Ruffcorn, Bray and Hoffman, entitled: "An Act providing for the appointment of a supreme court reporter, prescribing his powers and duties, fixing his salary and compensation, and repealing Sections 378 and 379 of the Revised Codes of Montana of 1921," respectfully report as follows:

That H. B. No. 321 do pass.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration H. B. No. 349, by Fulsher, entitled, "An Act to amend Section 10832 of the Revised Codes of Montana of 1921, relating to the refusal of public officers to surrender books, papers and other equipment supplied at public expense to his successor in office and providing a penalty therefor," respectfully report as follows:

That H. B. No. 349 do pass.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration H. B. No. 357, by Kenyon, entitled, "An Act relating to defective certificates of tax sale issued to and held by counties," respectfully report as follows:

That H. B. No. 357 do pass.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration H. B. No. 162, by Troy, entitled, "An Act amending Section 210 of the Revised Codes of Montana of 1921, relating to the duties of the State Examiner, by adding thereto two paragraphs to be known as Paragraphs 8 and 9," respectfully report as follows:

That H. B. No. 162 do pass.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration H. B. No. 348, by Fulsher, entitled, "An Act to amend Sections 460, 461 and 462 of the Revised Codes of Montana of 1921, relating to the possession of books, papers and other equipment of public officers, supplied at public expense; proceedings to

compel delivery thereof; attachment and warrant to enforce the delivery of books, paper and equipment supplied at public expense to the public officer entitled thereto," respectfully report as follows:

That H. B. No. 348 do pass.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration H. B. No. 177, by Davis of Wibaux, entitled, "An Act to amend Section 213 of the Revised Codes of 1921, relating to the failure of county officers to transmit statements to the State Examiner; or the refusal or neglect of any officer to comply with the lawful regulations as prescribed by the State Examiner and providing a penalty therefore," respectfully report as follows:

That H. B. No. 177 do not pass.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration H. B. No. 299, by Flynn and Andrus, entitled, "An Act amending Sections 6902, 6903 and 6904 of the Revised Codes of the State of Montana of 1921, relating to the release of record of oil, gas and mineral leases, and to actions to compel such release and to the making of demand for such release," respectfully report as follows:

That H. B. No. 299 do not pass.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration, H. B. No. 336, by Terrett, Carlson of Gallatin, Davis of Fergus, Bergstrom, Pope, Oker, and Kelly of Pondera, entitled, "An Act to provide for the classification of counties, the fixing of salaries of certain county officers, the number of deputies to which the various county officers shall be entitled, providing for their appointment, and the salaries of the same; defining the powers of County Commissioners, and the duties of court stenographers in certain instances, amending Sections 4741, 4767, 4873, 4874, repealing Sections 4869, 4870, 4871, 4875, 4876, 4877, 4878, 4880, 4881, 4882 and 4883 and all Acts and parts of Acts in conflict herewith," respectfully report as follows:

That H. B. No. 336 do not pass.

KENYON, Chairman."

Moved by Kenyon, and duly seconded that report be adopted.

Moved by Terrett, as a substitute, duly seconded and carried that House Bill No. 336 be printed and placed on General Orders.

"Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration, H. B. No. 187, "A Bill for an Act entitled: 'An Act providing for the manufacture of all automobile and other license tags required by the laws of this State, at the State Penitentiary at Deer Lodge: and authorizing and directing the State Board of Prison Commissioners to provide the necessary machinery, equipment, and supplies therefor,'" respectfully report as follows:

That H. B. No. 187, do pass.

ARNOLD, Chairman."

On motion of Arnold, report adopted.

"Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration, H. B. No. 199, "A Bill for an Act entitled: 'An Act making the County Treasurer of each county registrar of motor vehicles, and repealing Section 1755 of the Revised Codes of 1921,'" respectfully report as follows:

That H. B. No. 199, do pass.

ARNOLD, Chairman."

On motion of Arnold, report adopted.

"Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration. H. B. No. 343, "A Bill for an Act entitled: 'An Act designating the number of employees in the office of the State Board of Examiners, and fixing the salaries,'" respectfully report as follows:

That H. B. No. 343, recommend that this bill do pass.

ARNOLD, Chairman."

On motion of Arnold, report adopted.

"Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration, H. B. No. 77: "A Bill for an Act entitled: 'An Act to amend Section 5036 of the Revised Codes of the State of Montana 1921, to provide for the deposit and control of all public moneys in the possession of and under the control of city or town treasurer: providing for the payment of interest on all such money and to amend the Revised Codes of Montana 1921 relating to salaries of district judges,'" respectfully report as follows:

That H. B. No. 77, recommend that this bill do not pass.

ARNOLD, Chairman."

On motion of Arnold, report adopted.

"Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration, H. B. No. 305: "A Bill for an Act entitled: "An Act to amend Section 8814 of the Revised Codes of Montana 1921 relating to salaries of district judges,'" respectfully report as follows:

That H. B. No. 305, do not pass, as the subject matter of this bill is included in H. B. No. 290.

ARNOLD, Chairman."

Moved by Arnold, duly seconded that report be adopted.

Moved by Ruffcorn, as a substitute, duly seconded and carried that House Bill No. 305 be printed and placed on General Orders.

"Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration, H. B. No. 239: "A Bill for an Act entitled: 'An Act to provide for the license tax upon owners and operators or operators of electric power plants and transmission lines,'" respectfully report as follows:

That H. B. No. 239, be reported back to the House without recommendation for the reason that the subject matter of this bill is covered by H. B. No. 344, which bill is now before the House.

ARNOLD, Chairman."

Moved by Arnold, duly seconded that report be adopted.

Moved by Bray, as a substitute, duly seconded that the report be laid upon the table.

Bray having requested a roll call, duly seconded, the motion to table failed, the vote being as follows:

Ayes: Benedict, Bergstrom, Bernard, Boorman, Bosley, Bray, Buchanan, Buell, Cady, Carlson (McCone), Clarke, Cronk, Davis (Wibaux), Facey, Hanson, Harris, Hoffman, Holton, Kenyon, Larson (Richland), Larsen (Sheridan), Lease, Leavens, McAfee, McCormack, Myrick, Ostby, Peden, Perrine, Pilgeram, Ruffcorn, Sandy, Stoner, Strange, Swift. Total—35.

Noes: Andrew, Andrus, Armstrong, Arnold, Baker, Berryman, Bohling, Brandjord, Burke, Buttleman, Caplis, Carlson (Gallatin), Cavanaugh, Cowley, Davis (Fergus), Dean, Dell, Denny, Duffy, Elliott, English, Flynn, Fulsher, Gilling, Goodman, Gullidge, Hamilton, Hawley, Joffray, Johnson, Kelly (Pondera), Kennedy, Kinville, Lemmon, Loble, McCarty, McLeod, Maury, Murphy, Mushbach, Nelson, O'Connell, Oker, Pope, Rasmussen, Ridle, Rodgers, Roscow, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Taylor, Tawney, Terrett, Tierney, Wold, Zuck, Mr. Speaker. Total—61.

Absent and not voting: Bricker, Gillette, Kelly (Silver Bow), Troy. Total



Question arising on the motion to adopt, same carried.

"Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration, H. B. No. 191: "A Bill for an Act entitled: 'An Act to provide a license tax of two cents per gallon on distillate, gasoline, liberty fuel, and other liquids used, sold, distributed, manufactured, produced or compounded in the State of Montana for any purpose including the operation or propelling motor vehicles over or upon the highways and public roads, to provide for the collection thereof; to provide for exemption, etc.,'" respectfully report as follows:

That H. B. No. 191, be referred to the Committee on Highways as the same subject matter is covered in their Committee Bill No. 354.

ARNOLD, Chairman."

On motion of Arnold, report adopted.

"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration, H. B. No. 359, introduced by Appropriations Committee: "An Act appropriating money for the operation and maintenance of certain of the boards, commissions and departments of the State of Montana for the period beginning July 1st, 1923,'" respectfully report as follows:

That H. B. No. 359, do pass.

BUELL, Chairman."

On motion of Buell, report adopted.

"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration, H. B. No. 360, introduced by the Appropriations Committee: "An Act appropriating money for the payment of deficiency claims arising out of the operation of the various state institutions of the State of Montana for the year ending February 28th, 1923,'" respectfully report as follows:

That H. B. No. 360, do pass.

BUELL, Chairman."

On motion of Buell, report adopted.

"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration, H. B. No. 361, introduced by Appropriations Committee: "An Act appropriating money for the payment of deficiency claims on account of refunds becoming due during the year ending February 28th, 1923,'" respectfully report as follows:

That H. B. No. 361, do pass.

BUELL, Chairman."

On motion of Buell, report adopted.

"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration, H. B. No. 362, introduced by Appropriations Committee: "An Act appropriating money for the payment of deficiency claims arising out of the operation of various state departments for the year ending February 28th, 1923,'" respectfully report as follows:

That H. B. No. 362 do pass.

BUELL, Chairman."

On motion of Buell, report adopted.

## INTRODUCTION OF BILLS AND MEMORIALS

The following Senate bills were introduced, read first and second times by title and history only, and referred to committees as follows:

S. B. No. 80, introduced by Loy: "A Bill for an Act entitled: 'An Act to repeal Sections 3469, 3470, 3471 and 3477 Chapter 252 Revised Codes of Montana 1921 known as the 'Coal Mining Code'.'" (Committee on Labor).

S. B. No. 100, by McCone: "A Bill for an Act entitled: 'An Act providing the method of collection of any special poll tax and prescribing the duties of certain county officers in connection therewith,'" (Committee on Judiciary).

S. B. No. 102, by Cooper: "A Bill for an Act entitled: 'An Act amending Section 2038 of the Revised Codes of Montana, 1921, relating to traveling expenses of assessors and deputies'." (Committee on Townships and Counties).

S. B. No. 107, by McQuitty: "A Bill for an Act entitled: 'An Act to amend Section 5194 of the Revised Codes of Montana of 1921, relating to the levy of taxes by municipalities for general, municipal, administrative and park purposes'." (Committee on Affairs of Cities).

S. B. No. 126, by Mears: "A Bill for an Act entitled: 'An Act providing for the keeping of books and examination thereof in school districts of the third class; declaring the failure or refusal to comply with the provisions of this Act to be grounds for removal from office of the offending officer; prescribing the method of removal from office and providing for the payment of the costs of the proceedings therefor.'." (Committee on Education).

S. B. No. 122, by Rhoads: "A Bill for an Act entitled: 'An Act to establish a bird preserve in a portion of Teton County, for the protection of birds, to be known as the Teton-Spring Creek Bird Preserve, and providing penalties for the killing, hunting, trapping and pursuing any birds in such preserve, or the carrying of fire arms therein'." (Committee on Fish and Game).

S. B. No. 43, by Siegfriedt: "A Bill for an Act entitled: 'An Act relating to the rights and disabilities of aliens with respect to lands, providing for forfeitures in certain cases, prescribing penalties, and repealing all laws in conflict herewith'." (Committee on Judiciary).

The following bills were introduced, read first and second times by title only and referred to committees as follows:

H. B. No. 364, by Bricker: "A Bill for an Act entitled: 'An Act relating to irrigation districts, providing a method for increasing or decreasing the number of divisions and the number of commissioners of an irrigation district after the organization thereof'." (Committee on Irrigation and Water Rights).

H. B. No. 365, by Smith, Leavens, Boorman, Kinville and Terrett: "A Bill for an Act entitled: 'An Act providing for the erection and establishment of a fitting and suitable memorial to the memory of 1366 citizens of Montana, who gave their lives to their country during the world war between the United States of America and the Imperial Governments of Germany and Austria Hungary, commonly called the World War'." (Committee on Appropriations).

H. B. No. 366, by Seidensticker: "A Bill for an Act entitled: 'An Act to require the teaching of the Constitution of the United States and of this state and the study of American institutions and ideals in all the public schools and colleges of the state'." (Referred to Committee on Education).

H. B. No. 367, by Caplis: "An Act appropriating money for the return of the inheritance of Giuseppe Marchi, which was escheated to the State under the mistake that no heir existed'." (Committee on Appropriations).

H. B. No. 368, by Buell, by request: "A Bill for an Act entitled: 'An Act to amend Section 249 of the Revised Codes of the State of Montana of 1921 relating to the drawing of claims that are exempt from approval by the Board of Examiners'." (Committee on Appropriations).

H. B. No. 369, by Pilgeram, by request: "A Bill for an Act entitled: 'An Act to provide for the issuing of license to itinerant beggars, vendors of small wares and others who are disabled or otherwise; to provide for the regulation of those who engage in begging or in selling small articles as a subterfuge for begging; to provide the necessary qualifications for obtaining such license; to provide for the furnishing of information upon which license may be granted; prescribing the duties of the police authorities; providing for reports to the Industrial Accident Board and prescribing penalties for violation of the Act'." (Committee on Judiciary).

H. B. No. 370, by Kenyon and Pope: "A Bill for an Act entitled: 'An Act to authorize the Supreme Court to regulate practice and procedure in the courts of record of Montana and repealing all Acts and parts of Acts in conflict herewith'." (Committee on Judiciary).

H. B. No. 371, by Kenyon and Pope: "A Bill for an Act entitled: 'An Act to amend Section 9858 of the Revised Codes of Montana of 1921, relating to judgments, costs and damages for mandamus proceedings.'" (Committee on Judiciary).

H. B. No. 372, by Hoffman: "A Bill for an Act entitled: 'An Act to amend and re-enact Section 8290, Revised Codes of Montana, 1921, relating to chattel mortgages on growing crops and the lien thereof.'" (Committee on Agriculture).

H. B. No. 373, by Hoffman: "A Bill for an Act entitled: 'An Act to appropriate money out of the State Highway Fund for the payment of claims for labor and services furnished in the construction of the State Highway designated as Federal Aid Project Number 109.'" (Committee on Appropriations).

The following messages from the Governor were received:

"Helena, Montana, February 16, 1923.

The Speaker,  
House of Representatives,  
Helena, Montana.

I have the honor to advise you that I have this day approved the following House Bills:

No. 34—Relating to judges of the Sixteenth Judicial District.

No. 83—Authorizing cities and towns to include unplatted undedicated or unsurveyed lots lying wholly within the boundaries of the city or town within special improvement districts and to assess same for its proportionate share of the cost of making or maintaining special improvements.

No. 87—Relating to the contract for maintenance of lights in lighting districts and the assessment to pay the cost thereof.

No. 94—Relating to the creation of new school districts.

JOS. M. DIXON, Governor."

"Helena, Montana, February 16, 1923.

The Speaker,  
House of Representatives,  
Helena, Montana.

I return herewith House Bill No. 18, "An Act to repeal Section 268 of the Revised Codes of Montana of 1921, relating to the employment of Clerical Help for State Officers, and Sections 273 to 275, Inclusive of Said Code, relating to the Employment and Compensation of Assistants to Civil Executive Officers," without my approval and with my objections thereto.

Two years ago the Legislature, by an almost unanimous vote enacted the present law empowering the State Board of Examiners to limit the number of employees and fix the compensation of clerks, stenographers and assistants for all civil executive state officers, boards, commissions or departments.

The law in question very wisely carried the additional provision that the compensation so fixed should not exceed the maximum sum specified in the annual appropriation bill passed by the Legislative Assembly. The evident purpose of the law was to prevent the various departments, boards and commissions of the state from running wild in the matter of the number of employees and the salaries paid to them. Previous to the enactment of the law, there was no central supervisory control over the many departments of state. Under its provisions, the State Board of Examiners could, upon proper showing made as to the existence of an emergency situation, provide extra help to meet the emergency, in exactly the same way that Boards of County Commissioners are authorized to provide extra temporary help for county assessors during the assessment of property for taxation.

As a specific example of the actual operation of the law, I would cite the conditions prevailing during the past two years in the Department of the State Bank Examiner.

Under normal conditions, the regular quota of deputy bank examiners is barely sufficient to give efficient service as to the examination and oversight of three hundred State banks. Under the extraordinary conditions prevailing in that department for the past two years, with more than forty state banks suspended, had it not been for the emergency provision of the law in question, the Bank Examiner's Department would of necessity broken down, with resulting chaos to depositors and stockholders and the public in general.



With a full knowledge, on my part, of the actual experiences under the wise provision of the law in question, I cannot but believe that the individual legislators would have hesitated to enact its repeal, could they have individually known the danger involved in enacting the repeal of Sections 268 and 273 to 275, inclusive, of the Revised Codes.

I herewith return the bill to you without my approval, for such action as, on second and more mature consideration, you deem right.

JOS. M. DIXON, Governor."

Call of the House demanded by Goodman, duly seconded by fifteen members.

Moved by Boorman, duly seconded and carried, further action under call of the House be dispensed with.

House Bill No. 18, having been returned unsigned by the Governor, upon roll call it failed of passage over the Governor's veto, the vote being as follows.

Ayes: Andrew, Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Boorman, Brandjord, Buchanan, Burke, Buttleman, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Cowley, Davis (Fergus), Dean, Dell, Denny, Duffy, Elliott, English, Fulsher, Gillin, Goodman, Hamilton, Hawley, Joffray, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kinville, Lemmon, Loble, McCarty, Maury, Murphy, Mushbach, Nelson, O'Connell, Oker, Pope, Rasmussen, Ridle, Rodgers, Roscow, Scharnikow, Seidensticker, Smith, Stoddard, Terrett, Zuck, Smethurst. Total—55.

Noes: Andrus, Bernard, Bohling, Bray, Bricker, Buell, Cady, Clarke, Cronk, Davis (Wibaux), Facey, Flynn, Gullidge, Hanson, Harris, Hoffman, Holton, Johnson, Kenyon, Larson (Richland), Larsen (Sheridan), Lease, Leavens, McAfee, McCormack, McLeod, Myrick, Ostby, Peden, Perrine, Pilgeram, Ruffcorn, Sandy, Spencer, Stoner, Strange, Swift, Taylor, Tawney, Tierney, Troy, Wold, Mr. Speaker. Total—43.

Absent and not voting: Bosley, Gillette. Total—2.

Moved by Loble, duly seconded and carried that the House reconsider its action in adopting the committee report on House Bill No. 158.

Moved by Bernard, duly seconded and carried that House Bill No. 158 be printed and placed on General Orders.

Moved by Spencer, duly seconded and carried that Senate Bill No. 48 be withdrawn from General Orders and returned to the Committee on Townships and Counties.

Upon request of Arnold, and with unanimous consent, reverted to:

## INTRODUCTION OF BILLS AND MEMORIALS

The following bills were introduced, read first and second times by title only, and referred to committees as follows:

H. B. No. 374, by Committee on Ways and Means: "A Bill for an Act entitled: 'An Act to amend Section L' of the Revised Codes of the State of Montana, 1921, relating to the duties of the State Depository Board and the deposit of funds in the hands of the State Treasurer.'" (Committee on Ways and Means).

H. B. No. 375, by Committee on Ways and Means: "A Bill for an Act entitled: 'An Act to provide for the support of the government of the State of Montana for the years 1923 and 1924.'" (Committee on Ways and Means).

## CONSIDERATION OF SPECIAL ORDER

Moved by Swift, duly seconded and carried, that the House resolve itself into a Committee of the Whole for the consideration of Substitute for House Bill No. 81.

Boorman in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole, having had under consideration Substitute for House Bill No. 81 respectfully report back with the recommendation that Substitute for House Bill No. 81 be amended as follows:

Section 2 by striking out all of lines 19, 20, 21 and 22 thereof.

Section 3, by striking out all of such section following the word "amount" in line 3 and inserting in lieu thereof the following: "computed at the following rates:  $\frac{1}{4}$  of 1% of the amount by which the gross proceeds exceed \$100,000 and do not exceed \$250,000;  $\frac{1}{2}$  of 1% of the amount by which the gross proceeds exceed \$250,000 and do not exceed \$400,000;  $\frac{3}{4}$  of 1% of the amount by which the gross proceeds exceed \$400,000 and do not exceed \$500,000; 1% of the amount by which the gross proceeds exceed \$500,000."

### COMMITTEE RESUMED

Section 7 by striking out in lines 15, 16, 17, 18 and 19, all after the word "delinquencies;" in lines 14 and 15.

Section 15 by striking out in line 2 the figures 1923 and inserting in lieu thereof the figures "1922."

Section 9, by striking out in line 16 the word "not."

Section 6, by striking out in line 5 the word "the" and inserting in lieu thereof the word "though."

Section 9, by inserting the word "not" after the words "it does" in line 16. By renumbering Sections 13, 14, 15, 16 and 17 and numbering them 12, 13, 14, 15 and 16.

And when so amended do pass.

BOORMAN, Chairman."

Moved by Boorman, duly seconded, that report be adopted.

Roll call demanded by Scharnikow, duly seconded.

Tierney demanded a call of the House, seconded by fifteen members.

Moved by Bricker, duly seconded and carried that the Call of the House be dispensed with.

The question arising on the Boorman motion to adopt, it carried, the vote being as follows:

Ayes: Andrus, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Brandjord, Brav, Bricker, Buchanan, Buell, Buttleman, Cady, Carlson (McCone), Clarke, Cronk, Davis (Wibaux), Dell, Elliott, Facey, Flynn, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kenyon, Larson (Richland), Larsen (Sheridan), Leavens, McAfee, McCormack, Myrick, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ruffcorn, Sandy, Seidensticker, Smethurst, Stoner, Strange, Swift, Tawney, Tierney, Troy, Wold, Mr. Speaker. Total—54.

Noes: Andrew, Armstrong, Arnold, Baker, Bosley, Burke, Caplis, Carlson (Gallatin), Cavanaugh, Cowley, Davis (Fergus), Dean, Denny, Duffy, English, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Kelly (Silver Bow), Kennedy, Kinville, Lease, Lemmon, Loble, McCarty, McLeod, Maury, Murphy, Mushbach, Nelson, O'Connell, Oker, Ridle, Rodgers, Roscow, Scharnikow, Smith, Spencer, Stoddard, Taylor, Terrett, Zuck. Total—44.

Absent and not voting: Gillette, Kelly (Pondera). Total—2.

Upon request of Gullidge and with unanimous consent, the House reverted to:

### REPORTS OF STANDING COMMITTEES

The following reports of standing committees were received:

"Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bills Nos. 197, 285, 168, 274, 145, 39, 310, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman."

"Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bills Nos. 301, 255, Sub. 129, 272, 317, 241, 319, 308, 210, 290, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman."

"Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration, H. B. No. 374, by Committee on Ways and Means, "A Bill for an Act entitled: 'An Act to amend Section 182, of the Revised Codes of the State of Montana 1921, relating to the duties of the State Depository Board and the deposit of funds in the hands of the State Treasurer,'" respectfully report as follows:

That H. B. No. 374, do pass.

ARNOLD, Chairman."

On motion of Arnold, report adopted.

"Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration, H. B. No. 375: "A Bill for an Act entitled: 'An Act to provide for the support of the Government of the State of Montana for the year 1923 and 1924,'" respectfully report as follows:

That H. B. No. 375, do pass.

ARNOLD, Chairman."

On motion of Arnold, report adopted.

Moved by Swift, duly seconded and carried that the House adjourn until 9:30 A. M.

CALVIN CRUMBAKER, Speaker.

Attest: JAMES A. SHOEMAKER, Chief Clerk.

## FORTY-EIGHTH DAY

House of Representatives,  
February 17, 1923.

House convened pursuant to adjournment at 9:30 A. M.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Upon roll call all members were present except: Gillette excused.

The Committee on Journal reported as follows:

"Mr. Speaker:

We, your Committee on Journal, have this day examined the Journal for the 47th Legislative day and found the same correct.

BUCHANAN, Chairman."

Report adopted.

## REPORTS OF STANDING COMMITTEES

The following reports of standing committees were received:

"Mr. Speaker:

We, your Committee on Public Health and Sanitary Affairs, having had under consideration, H. B. No. 325, introduced by Goodman, "A Bill for an Act entitled: 'An Act to amend Section 11239 of the Revised Codes of Montana of 1921, relating to the selling of opium, morphine and other narcotic drugs and providing a penalty for the violation thereof,'" respectfully report as follows:

That H. B. No. 325, do not pass, for the reason that the subject matter contained in this bill, is covered in H. B. No. 320, introduced by Cavanaugh and Kelly.

ANDRUS, Chairman."

On motion of Andrus, report adopted.

"Mr. Speaker:

We, your Committee on Public Health and Sanitary Affairs, having had under consideration, H. B. No. 320, introduced by Cavanaugh and Kelly: "A Bill for an Act entitled: 'An Act to amend Section 3202 of the Revised Codes, relating to the possession and control of drugs,'" respectfully report as follows:

That H. B. No. 320, do pass.

ANDRUS, Chairman."

On motion of Andrus, report adopted.



"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration H. B. No. 363, introduced by McAfee: "An Act authorizing Wilsie M. Cramer to commence, institute and prosecute to final determination an action at law against the State of Montana for the purpose of determining a certain controversy now existing between the said Wilsie M. Cramer and the State of Montana in connection with the sale of certain land situated in Flathead County, Montana to the State of Montana for the use of the State Game and Fish Commission, and making an appropriation to pay any judgment which the said Wilsie M. Cramer may recover against the State of Montana in such action'," respectfully report as follows:

That H. B. No. 363, be referred to the Judiciary Committee.

BUELL, Chairman."

On motion of Hawley, report adopted.

### INTRODUCTION OF BILLS AND MEMORIALS

The following communication was received from the Senate and on consent of the House was read at this time:

"Helena, Montana, February 16, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Senate Bills were this day read third time and passed, title agreed to and are herewith transmitted to the House for concurrence:

Senate Bill No. 42, introduced by Pomeroy.

Senate Substitute for Senate Bill No. 50, introduced by Paul, Dowlin and Clark.

Senate Bill No. 51, introduced by Paul, Dowlin and Clark.

Senate Bill No. 143, introduced by Committee on Public Morals.

Senate Bill No. 98, introduced by Harmon.

Senate Bill No. 104, introduced by Peterson.

Senate Bill No. 106, introduced by Greening.

Senate Bill No. 110, introduced by McQuitty.

Senate Bill No. 129, introduced by Paul, Dowlin and Clark.

Senate Bill No. 134, introduced by Paul, Dowlin and Clark.

Senate Bill No. 136, introduced by Speer.

Senate Bill No. 137, introduced by Cowan.

Senate Bill No. 140, introduced by Committee on Banks and Banking.

Senate Bill No. 142, introduced by Demel.

Senate Bill No. 151, introduced by Church.

Senate Substitute for Senate Bill No. 61, introduced by Paul, Dowlin and Clark.

Senate Bill No. 52, introduced by Greening.

Senate Bill No. 86, introduced by Dowlin.

Senate Bill No. 93, introduced by Haley.

Senate Bill No. 113, introduced by Hazelbaker.

Very respectfully,

J. F. CONE, Secretary of the Senate."

The Judiciary Committee was permitted to be absent and to report later in the day.

The following Senate Bills were introduced, read first and second times by title and history only, and referred to committees as follows:

S. B. No. 42, by Pomeroy: "A Bill for an Act entitled: 'An Act to amend Section 1294 of the Revised Codes of Montana of 1921, respecting the requirements of district and high school Boards of Trustees in the appointment of a superintendent.'" (Committee on Education).

Sub. S. B. No. 50, by Paul: "A Bill for an Act entitled: 'An Act requiring the State Auditor to prescribe the general methods and details of accounting for public money by state officers.'" (Committee on State Boards and Officers).

S. B. No. 51, by Paul, Dowlin, Clark: "A Bill for an Act entitled: 'An Act to repeal Section 305, 306, 307, 308 and 309, of the Revised Codes of Montana of 1921, creating the office of State Accountant and prescribing his powers and duties.'" (Committee on Development and Publicity).

S. B. No. 98, by Harmon: "A Bill for an Act entitled: 'An Act to amend Sections Numbered 5404, 5405, 5411, 5413, 5415, 5418, 5442, 5443, 5444, 5448, 5449, 5465, 5466, 5470, 5471, 5487, 5502, 5507, 5515 and 5516 of the Revised Codes of Montana, 1921, relating to the commission-manager plan of government'." (Committee on Affairs of Cities).

S. B. No. 104, by Peterson: "A Bill for an Act entitled: 'An Act to amend Section 6445 of the Revised Codes of Montana of 1921, relating to reports of co-operative associations, and providing for an examination of the accounts of such associations'." (Committee on Agriculture).

S. B. No. 106, by Greening: "A Bill for an Act entitled: 'An Act to amend Section 8275 of the Revised Codes of Montana 1921, relating to chattel mortgages'." (Committee on Banks and Banking).

S. B. No. 110, by McQuitty: "A Bill for an Act entitled: 'An Act to amend Section 1203 of the Revised Codes of 1921 relating to special school tax'." (Committee on Education).

S. B. No. 129, by Paul, Dowlin and Clark: "A Bill for an Act entitled: 'An Act to amend Sections 2299, 2300, 2302 and 2303 of the Revised Codes of Montana of 1921, relating to the method of collecting corporation license tax'." (Committee on Revenue and Taxation).

S. B. No. 140, by Committee on Banks and Banking: "A Bill for an Act entitled: 'An Act placing under the supervision of the State Examiner all corporations within the state doing a business similar to that of a building and loan association, and making applicable thereto the building and loan association laws of the state and defining the powers of such corporation'." (Committee on Revenue and Taxation).

S. B. No. 142, by Demel: "A Bill for an Act entitled 'An Act amending Sections 9485 and 9487 of the Revised Codes of the State of Montana of 1921 relating to quieting title to real estate'." (Committee on Judiciary).

S. B. No. 143, by Committee on Public Morals, Charities and Reforms: "A Bill for an Act entitled: 'An Act to amend Section 3202 of the Revised Codes, providing a penalty'." (Committee on Public Morals, Charities and Reforms).

S. B. No. 113, by Hazelbaker: "A Bill for an Act entitled: 'An Act relating to irrigation districts, and amending and re-enacting Sections 7166, 7171, 7173, 7174, 7177, 7184, 7210, 7212, 7214, 7215, 7220, 7224, 7226, 7227, 7228, 7229, 7230, 7234 and 7235 of the Revised Codes of Montana of 1921, which relate to the establishment, organization and government of irrigation districts; providing who may organize such districts and in what cases, and requirements therefor, and making regulations for the status, powers, duties, organization and place of meeting of the board of commissioners of such districts, vacancies in such board, and the salary and compensation of such commissioners and penalty for interest in contracts; for the qualification and designation of electors and the manner of voting by agents, co-owners and purchasers of land under contract of sale; concerning the purposes for which bonds of such districts may be issued, and the authorization, issuance, confirmation, details, record, negotiation, disposition, delivery and cancellation of such bonds, and the disposition of proceeds of sale thereof; for the refunding, redemption and payment of bonds and warrants of such districts, and the authorization, issuance, confirmation, details record, negotiation, disposition, delivery and cancellation of refunding bonds of such districts and the lien of such refunding bonds and of taxes and assessments levied to pay the same; also providing rules for apportionment of costs and the charging thereof to the lands, with express provisions for pumping costs; making regulations for assessments and the levy, adjustment, collection and cancellation of, and limitations upon, taxes and assessments, and the apportionment of such taxes and assessments according to the irrigable area of such districts; for the expenses of the State Irrigation District Bond Commission and the expenditures by such districts of funds derived from bonds certified by such Commission; and enacting two new sections to be designated as Sections 7235A and 7235B of said Revised Codes of Montana of 1921, also relating to such irrigation districts, providing for proceedings for the determination of the irrigable area of such district and the



apportionment of the costs of any works or improvements to the lands in such districts, and the confirmation of such proceedings by the District Court, and providing for the extent of the liens of taxes and assessments levied upon the lands in such district and for the refund or cancellation of assessments upon excess acreage, and limiting and defining the rights and privileges of owners of tracts of land containing no irrigable area and limiting the period within which the taxable acreage of any land in said districts may be fixed and adjudicated'." (Committee on Irrigation and Water Rights).

S. B. No. 151, by Church: "A Bill for an Act entitled: 'An Act to provide for the care and improvement of neglected cemetery lots in public cemeteries and for the resale of unoccupied portions thereof and the disposition of the money received from such re-sale.'" (Committee on Corporations Other Than Municipal).

S. B. No. 152, by Greening: "A Bill for an Act entitled: 'An Act relating to chattel mortgages and increase thereof.'" (Committee on Banks and Banking).

Sub. for S. B. No. 61, by Special Committee, Paul, Dowlin, Clark: "A Bill for an Act entitled: 'An Act to amend Section 210 of the Revised Codes of Montana of 1921, prescribing the duties of the State Examiner and his assistants.'" (Committee on State Boards and Officers).

S. B. No. 86, by Dowlin: "A Bill for an Act entitled: 'An Act to provide for the publication of the State Examiner's report covering the examination of the various county officers as a part of the official proceedings of the Board of County Commissioners of such county'." (Committee on State Boards and Officers).

S. B. No. 93, by Haley: "A Bill for an Act entitled: 'An Act fixing the charge to be allowed to any State or county officer for the use of automobile when necessarily used in the performance of his official duty'." (Committee on Townships and Counties).

S. B. No. 134, by Paul, Dowlin and Clark: "A Bill for an Act entitled: 'An Act to provide for the transfer of all money in 'the War Defense Fund' of the State of Montana to the General Fund of the State'." (Committee on Development and Publicity).

S. B. No. 136, by Speer: "A Bill for an Act entitled: 'An Act authorizing the Federal Government to file notices of tax liens in the office of any County Clerk and Recorder in the State of Montana'." (Committee on Judiciary).

S. B. No. 137, by Cowan: "A Bill for an Act entitled: 'An Act amending Section 7184 of the Revised Codes of Montana, 1921, prescribing the qualifications of voters for all elections held under the provisions of Chapter 146, Laws 1909'." (Committee on Privileges and Elections).

The following House Bills were introduced, read first and second times by title only, and referred to committees as follows:

H. B. No. 376, by Scharnikow, Oker, Pope, Carlson of Gallatin: "A Bill for an Act entitled: 'An Act fixing the salaries of certain deputy state officers, clerks, stenographers and other employees at the state capitol, and repealing all Acts and parts of Acts in conflict therewith'." (Committee on Ways and Means).

H. B. No. 377, by Hoffman: "A Bill for an Act entitled: 'An Act to amend Sections 7282, 7283 and 7284 Revised Codes of Montana of 1921, and to add four new sections to be designated Sections 7283A, 7283B, 7283C and 7283D, and all relating to the election of directors in drainage districts.'" (Committee on Irrigation and Water Rights).

### THIRD READING OF HOUSE BILLS

Moved by Gullidge, duly seconded and carried, that all bills on third reading be read by title and history only and that the Journal show that they have been read at length:

H. B. No. 119, by Loble, having been read three several times and title and history agreed to, was passed by the following vote:



Ayes: Andrew, Andrus, Armstrong, Arnold, Benedict, Bergstrom, Bernard, Bohling, Boorman, Bosley, Brandjord, Burke, Buttleman, Cady, Caplis, Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Hamilton, Hanson, Harris, Hawley, Holton, Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larsen (Sheridan), Lease, Lemmon, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Roscow, Sandy, Smethurst, Smith, Spencer, Stoddard, Stoner, Taylor, Terrett, Tierney, Troy, Wold. Total—72.

Noes: Baker, Berryman, Bray, Buchanan, Gullidge, Hoffman, Larson (Richland), Leavens, Scharnikow, Seidensticker, Strange, Mr. Speaker. Total—12.

Absent and not voting: Bricker, Buell, Carlson (Gallatin), Cowley, Gillette, Joffray, Johnson, Kelly (Pondera), Loble, McAfee, Ostby, Rodgers, Ruffcorn, Swift, Tawney, Zuck. Total—16.

H. B. No. 174, by Bray, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrus, Armstrong, Arnold, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Buchanan, Buttleman, Cady, Carlson (McCone), Clarke, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Elliott, Facey, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hoffman, Kennedy, Kinville, Larsen (Sheridan), Leavens, Lemmon, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Terrett, Tierney, Troy, Wold, Zuck. Total—70.

Noes: Andrew, Baker, Burke, Caplis, Cavanaugh, Cronk, Duffy, English, Flynn, Hawley, Kelly (Silver Bow), Lease, Smethurst. Total—13.

Absent and not voting: Bricker, Buell, Carlson (Gallatin), Cowley, Gillette, Holton, Joffray, Johnson, Kelly (Pondera), Kenyon, Larson (Richland), Loble, Oker, Ostby, Smith, Tawney, Mr. Speaker. Total—17.

H. B. No. 215 by Committee on Ways and Means, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Bohling, Bosley, Brandjord, Bray, Burke, Buttleman, Cady, Caplis, Carlson (McCone), Cavanaugh, Clarke, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Harris, Hawley, Kelly (Silver Bow), Kennedy, Larson (Richland), Leavens, Lemmon, McCarty, Maury, Murphy, Mushbach, Nelson, O'Connell, Oker, Pope, Rasmussen, Ridle, Rodgers, Roscow, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Strange, Taylor, Terrett, Tierney, Troy, Wold, Zuck. Total—64.

Noes: Bernard, Boorman, Bricker, Buchanan, Cronk, Facey, Hanson, Holton, Kenyon, Kinville, Larsen (Sheridan), Lease, McAfee, McCormack, McLeod, Myrick, Peden, Perrine, Ruffcorn, Sandy, Stoner, Swift, Mr. Speaker. Total—23.

Absent and not voting: Andrew, Buell, Carlson (Gallatin), Cowley, Gillette, Hoffman, Joffray, Johnson, Kelly (Pondera), Loble, Ostby, Pilgeram, Tawney. Total—13.

H. B. No. 157, by Kenyon, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Bray, Bricker, Buchanan, Burke, Buttleman, Cady, Caplis, Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hanson, Harris, Hawley, Hoffman, Holton, Johnson, Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, McAfee, McCarty, McCormack, McLeod, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Peden, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Swift, Taylor, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—84.

Noes: Maury, Perrine, Strange, Terrett. Total—4.

Absent and not voting: Andrew, Brandjord, Buell, Carlson (Gallatin), Cowley, Gillette, Hamilton, Joffray, Kelly (Pondera), Loble, Ostby, Tawney. Total—12.

H. B. No. 19, by Nelson, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrus, Arnold, Baker, Benedict, Bergstrom, Bernard, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buell, Buttelman, Cady, Caplis, Carlson (McCone), Cavanaugh, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Elliott, English, Facey, Flynn, Fulsher, Gillin, Gullidge, Hanson, Harris, Hawley, Holton, Johnson, Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, Oker, Peden, Perrine, Pilgeram, Pope, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Seidensticker, Spencer, Stoddard, Stoner, Strange, Taylor, Terrett, Troy, Wold, Zuck. Total—72.

Noes: Armstrong, Berryman, Buchanan, Burke, Clarke, Denny, Duffy, Goodman, Hoffman, Kelly (Silver Bow), Rasmussen, Smethurst, Tierney, Mr. Speaker. Total—14.

Absent and not voting: Andrew, Carlson (Gallatin), Cowley, Gillette, Hamilton, Joffray, Kelly (Pondera), Loble, O'Connell, Ostby, Scharnikow, Smith, Swift, Tawney. Total—14.

H. B. No. 113, by Tierney, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Buell, Burke, Buttelman, Cady, Caplis, Carlson (McCone), Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Oker, Peden, Perrine, Pilgeram, Pope, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Terrett, Tierney, Troy Wold, Zuck, Mr. Speaker. Total—86.

Noes: Nelson, Rasmussen. Total—2.

Absent and not voting: Andrew, Carlson (Gallatin), Cavanaugh, Cowley, Gillette, Hamilton, Kelly (Pondera), Kelly (Silver Bow), Loble, O'Connell, Ostby, Tawney. Total—12.

H. B. No. 166, by Committee on Appropriations, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bricker, Buchanan, Burke, Buttelman, Caplis, Carlson (Gallatin), Carlson (McCone), Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Peden, Perrine, Pilgeram, Pope, Rasmussen, Rodgers, Roscow, Ruffcorn, Sandy, Seidensticker, Smethurst, Smith, Spencer, Stoner, Swift, Terrett, Tierney, Wold, Zuck. Total—81.

Noes: Maury, Scharnikow, Stoddard, Strange, Mr. Speaker. Total—5.

Absent and not voting: Andrew, Bray, Buell, Cady, Cavanaugh, Cowley, Gillette, Kelly (Pondera), Larson (Richland), Ostby, Ridle, Taylor, Tawney, Troy. Total—14.

H. B. No. 207, by Smith, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, **Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bricker, Buchanan, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Manry, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers,**



Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Terrett, Tierney, Troy, Wold, Zuck. Mr. Speaker. Total—92.

Noes: None.

Absent and not voting: Bray, Buell, Cowley, Gillette, Kelly (Pondera), Larson (Richland), Ostby, Tawney. Total—8.

H. B. No. 228, by Committee on Appropriations, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bricker, Buchanan, Buell, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Clarke, Cowley, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Kennedy, Kenyon, Kinville, Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, O'Connell, Oker, Peden, Perrine, Pilgeram, Rasmussen, Rodgers, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Strange, Terrett, Tierney, Troy, Wold, Zuck. Total—80.

Noes: Armstrong, Mr. Speaker. Total—2.

Absent and not voting: Bray, Cavanaugh, Denny, Gillette, Gullidge, Johnson, Kelly (Pondera), Kelly (Silver Bow), Larson (Richland), Nelson, Ostby, Pope, Ridle, Roscow, Stoner, Swift, Taylor, Tawney. Total—18.

H. B. No. 230, by Committee on Appropriations, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Buell, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cowley, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Goodman, Hamilton, Hanson, Harris, Hawley, Holton, Joffray, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Myrick, O'Connell, Oker, Peden, Perrine, Pilgeram, Rasmussen, Rodgers, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Strange, Taylor, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—80.

Noes: None.

Absent and not voting: Bergstrom, Bernard, Berryman, Gillette, Gillin, Gullidge, Hoffman, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Mushbach, Nelson, Ostby, Pope, Ridle, Roscow, Stoner, Swift, Tawney. Total—20.

H. B. No. 238, by Judiciary Committee, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Bohling, Boorman, Bosley, Brandjord, Bricker, Buchanan, Buell, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Gillin, Goodman, Gullidge, Hamilton, Hanson, Hawley, Hoffman, Holton, Joffray, Kelly (Silver Bow), Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Peden, Pilgeram, Pope, Rasmussen, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Strange, Swift, Taylor, Terrett, Tierney, Troy, Wold, Mr. Speaker. Total—85.

Noes: Cowley, Fulsher. Total—2.

Absent and not voting: Bernard, Bray, Gillette, Harris, Johnson, Kelly (Pondera), Kennedy, Ostby, Perrine, Ridle, Stoner, Tawney, Zuck. Total—13.

H. B. No. 59, by Rodgers, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Baker, Benedict, Bergstrom, Bernard, Berryman, Buchanan, Buell, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Dean, Denny, Facey, Flynn, Goodman, Gullidge, Hamilton, Harris, Hawley, Holton, Johnson, Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Loble, Maury, Murphy, Oker, Pope, Ridle, Rodgers, Roscow, Ruffcorn, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Strange, Swift, Taylor, Terrett, Troy. Total—50.



Noes: Armstrong, Arnold, Bohling, Boorman, Bosley, Brandjord, Bricker, Burke, Buttelman, Cady, Cowley, Davis (Fergus), Davis (Wibaux), Dell, Duffy, Elliott, English, Fulsher, Gillin, Hanson, Hoffman, Joffray, Larson (Richland), Larsen (Sheridan), Lease, Leavens, McAfee, McCarty, McCormack, Mushbach, Myrick, Nelson, O'Connell, Peden, Perrine, Pilgeram, Rasmussen, Stoner, Wold, Mr. Speaker, Kelly (Pondera). Total—41.

Absent and not voting: Bray, Gillette, Lemmon, McLeod, Ostby, Sandy, Tawney, Tierney, Zuck. Total—9.

H. B. No. 227, by Committee on Appropriations, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrus, Arnold, Baker, Benedict, Bernard, Berryman, Boorman, Brandjord, Bray, Bricker, Buchanan, Buell, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Wibaux), Dean, Elliott, English, Gullidge, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Kennedy, Kenyon, Kinville, Facey, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Loble, McCormack, McLeod, Murphy, Myrick, Peden, Perrine, Pilgeram, Pope, Rasmussen, Rodgers, Ruffcorn, Sandy, Seidensticker, Spencer, Stoner, Strange, Taylor, Troy, Wold, Zuck, Mr. Speaker. Total—60.

Noes: Andrew, Armstrong, Bergstrom, Bosley, Burke, Buttelman, Davis (Fergus), Dell, Denny, Duffy, Flynn, Fulsher, Gillin, Goodman, Hamilton, Kelly (Pondera), Kelly (Silver Bow), Lemmon, McAfee, McCarty, Maury, Mushbach, Nelson, O'Connell, Oker, Ridle, Roscow, Scharnikow, Smethurst, Smith, Stoddard, Terrett, Tierney. Total—33.

Absent and not voting: Bohling, Cowley, Gillette, Johnson, Ostby, Swift, Tawney. Total—7.

H. B. No. 231, by Committee on Affairs of Cities, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrus, Armstrong, Arnold, Baker, Bergstrom, Berryman, Bohling, Brandjord, Bricker, Buchanan, Buell, Burke, Buttelman, Carlson (Gallatin), Clarke, Cowley, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Denny, Fulsher, Goodman, Elliott, Gullidge, Hamilton, Harris, Hawley, Hoffman, Holton, Kennedy, Kenyon, Larson (Richland), Lease, Lemmon, McCarty, McLeod, Maury, Murphy, Nelson, Oker, Pope, Ridle, Rodgers, Roscow, Sandy, Scharnikow, Seidensticker, Smith, Spencer, Taylor, Terrett, Troy, Mr. Speaker. Total—54.

Noes: Andrew, Benedict, Boorman, Bosley, Bray, Cady, Caplis, Carlson (McCone), Cavanaugh, Dell, Duffy, English, Facey, Flynn, Gillin, Hanson, Joffray, Kelly (Pondera), Kelly (Silver Bow), Kinville, Larsen (Sheridan), Leavens, Loble, McAfee, Mushbach, Myrick, Peden, Perrine, Pilgeram, Rasmussen, Ruffcorn, Smethurst, Stoddard, Stoner, Strange, Tierney, Wold, Zuck. Total—38.

Absent and not voting: Bernard, Gillette, Johnson, McCormack, O'Connell, Ostby, Swift, Tawney. Total—8.

H. B. No. 217, by Committee on Ways and Means, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Bohling, Bosley, Brandjord, Bray, Bricker, Buell, Burke, Buttelman, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cowley, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Duffy, English, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Harris, Hawley, Holton, Joffray, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Larson (Richland), Lemmon, Loble, McAfee, McCarty, McLeod, Maury, Mushbach, Nelson, O'Connell, Oker, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Spencer, Stoddard, Strange, Swift, Terrett, Tierney, Troy, Mr. Speaker. Total—73.

Noes: Berryman, Boorman, Buchanan, Cady, Caplis, Denny, Elliott, Facey, Flynn, Hanson, Johnson, Kinville, Larsen (Sheridan), Lease, Leavens, McCormack, Myrick, Smith, Stoner, Taylor, Wold. Total—21.

Absent and not voting: Gillette, Hoffman, Murphy, Ostby, Tawney, Zuck. Total—6.

Moved by Smethurst, duly seconded and carried, that House Bill No. 201 be laid on the table.

H. B. No. 176, by Perrine, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Buell, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cowley, Davis (Wibaux), Dean, Dell, Denny, Elliott, English, Facey, Flynn, Fulsher, Gillin, Gullidge, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Peden, Perrine, Pilgeram, Pope, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smith, Spencer, Stoner, Strange, Taylor, Terrett, Tierney, Troy, Wold, Mr. Speaker. Total—83.

Noes: Cronk, Davis (Fergus), Goodman, Kenyon, Rasmussen. Total—5.

Absent and not voting: Andrus, Burke, Duffy, Gillette, Hamilton, Leavens, Ostby, Smethurst, Stoddard, Swift, Tawney, Zuck. Total—12.

H. B. No. 108, by McCarty, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Armstrong, Baker, Benedict, Bergstrom, Berryman, Bohling, Brandjord, Buchanan, Buell, Buttelman, Carlson (Gallatin), Carlson (McCone), Cronk, Davis (Wibaux), Dean, Dell, Denny, English, Flynn, Hamilton, Harris, Holton, Joffray, Kelly (Silver Bow), Kenyon, Kinville, Larsen (Sheridan), Lease, Lemmon, Loble, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Nelson, Oker, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smith, Stoner, Swift, Taylor, Terrett, Tierney, Troy. Total—56.

Noes: Bernard, Boorman, Bosley, Bricker, Burke, Caplis, Clarke, Cowley, Davis (Fergus), Duffy, Elliott, Facey, Fulsher, Gillin, Goodman, Gullidge, Hanson, Hawley, Hoffman, Johnson, Kelly (Pondera), Larson (Richland), Leavens, McAfee, Myrick, O'Connell, Peden, Perrine, Smethurst, Strange, Wold, Mr. Speaker. Total—32.

Absent and not voting: Andrus, Arnold, Bray, Cady, Cavanaugh, Gillette, Kennedy, Ostby, Spencer, Stoddard, Tawney, Zuck. Total—12.

“Mr. Speaker:

We, your Committee on Engrossment, to whom was referred Sub. House Bill No. 81, beg leave to report same back correctly engrossed.

LARSON of Richland, Chairman.”

H. B. No. 240, by Smith, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bricker, Buchanan, Buell, Burke, Buttelman, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cowley, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCormack, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—89.

Noes: None.

Absent and not voting: Arnold, Bray, Cady, Denny, Gillette, Larson (Richland), McCarty, McLeod, Ostby, Smethurst, Tawney. Total—11.

H. B. No. 259, by Committee on Affairs of Cities, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Baker, Benedict, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Buchanan, Burke, Buttelman, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cowley, Cronk, Davis (Fergus), Dean, Dell, Denny, Duffy, Elliott, English, Flynn, Fulsher, Gillin, Goodman, Hanson, Hawley, Holton, Joffray, Johnson, Kelly (Silver Bow), Ken-



nedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCormack, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Peden, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smith, Spencer, Stoddard, Stoner, Strange, Taylor, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—77.

Noes: Armstrong, Bergstrom, Davis (Wibaux), Facey, Harris, Kelly (Pondera), Smethurst, Terrett. Total—8.

Absent and not voting: Arnold, Bricker, Buell, Cady, Gillette, Gullidge, Hamilton, Hoffman, McCarty, McLeod, Maury, Ostby, Perrine, Swift, Tawney. Total—15.

H. B. No. 236, by Committee on Dairying, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Buchanan, Buell, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cowley, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Flynn, Fulsher, Gillin, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Loble, McAfee, McCormack, McLeod, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Seidensticker, Spencer, Stoddard, Stoner, Strange, Taylor, Terrett, Tierney, Troy, Wold, Mr. Speaker. Total—84.

Noes: None.

Absent and not voting: Arnold, Bricker, Facey, Gillette, Goodman, Gullidge, Lemmon, McCarty, Maury, Ostby, Scharnikow, Smethurst, Smith, Swift, Tawney, Zuck. Total—16.

H. B. No. 84, by Kelly of Silver Bow, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Buchanan, Burke, Buttelman, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, English, Flynn, Fulsher, Gillin, Goodman, Hamilton, Hanson, Harris, Hawley, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Lease, Leavens, McCormack, McLeod, Maury, Mushbach, Myrick, Nelson, O'Connell, Oker, Perrine, Pilgeram, Ridle, Roscow, Ruffcorn, Scharnikow, Seidensticker, Smith, Spencer, Terrett, Tierney, Troy, Wold, Zuck. Total—63.

Noes: Cady, Cronk, Facey, Hoffman, Holton, Larson (Richland), McAfee, Peden, Rodgers, Sandy, Smethurst, Stoddard, Stoner, Strange, Swift, Mr. Speaker. Total—16.

Absent and not voting: Arnold, Bray, Bricker, Buell, Cowley, Duffy, Elliott, Gillette, Gullidge, Joffray, Johnson, Larsen (Sheridan), Lemmon, Loble, McCarty, Murphy, Ostby, Pope, Rasmussen, Taylor, Tawney. Total—21.

Moved by Swift, duly seconded and carried, that the House recess until 1:30 p. m.

#### AFTERNOON SESSION.

House resumed at 1:30 p. m.

Mr. Speaker in the chair.

Larsen of Sheridan, seconded by fifteen members, demanded a call of the House.

Moved by Larsen of Sheridan, duly seconded, and carried that further action under the call of the House be dispensed with.

#### THIRD READING OF HOUSE BILLS.

Moved by Smethurst, duly seconded, that House Bill No. 66 be laid on the table.

Roll call having been requested, the motion carried, the vote being as follows:



Ayes: Andrus, Arnold, Benedict, Bergstrom, Berryman, Bohling, Boorman, Bosley, Bray, Bricker, Buchanan, Cady, Carlson (McCone), Clarke, Cronk, Davis (Wibaux), Dean, Dell, Facey, Flynn, Hanson, Harris, Hoffman, Holton, Johnson, Larson (Richland), Larsen (Sheridan), Leavens, McAfee, McCormack, Myrick, Ostby, Peden, Perrine, Pilgeram, Rasmussen, Ruffcorn, Sandy, Seidensticker, Smethurst, Stoner, Strange, Swift, Tawney, Terrett, Tierney, Troy, Wold, Mr. Speaker. Total—49.

Noes: Andrew, Armstrong, Baker, Brandjord, Buell, Burke, Buttelman, Caplis, Carlson (Gallatin), Cavanaugh, Cowley, Davis (Fergus), Denny, Duffy, Elliott, English, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hawley, Joffray, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Lease, Lemmon, McLeod, Maury, Murphy, Mushbach, Nelson, O'Connell, Oker, Pope, Ridle, Rodgers, Roscow, Scharnikow, Smith, Spencer, Stoddard, Taylor, Zuck. Total—47.

Absent and not voting: Bernard, Gillette, Loble, McCarty. Total—4.

Call of the House was demanded by Cowley, seconded by fifteen members.

Moved by Davis of Wibaux, duly seconded and carried, that further action under call of the House be dispensed with.

H. B. No. 140, by Tawney and Strange, having been read three several times and title and history agreed to was passed by the following vote:

Ayes: Andrew, Andrus, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Buell, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Cavanaugh, Clarke, Cowley, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Loble, McAfee, McCormack, McLeod, Maury, Murphy, Myrick, Nelson, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—93.

Noes: Armstrong, Carlson (McCone), Mushbach, O'Connell. Total—4.

Absent and not voting: Gillette, Lemmon, McCarty. Total—3.

H. B. No. 81, by Strange, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrus, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Buell, Buttelman, Cady, Carlson (McCone), Clarke, Cronk, Davis (Wibaux), Dell, Elliott, Facey, Flynn, Hanson, Harris, Hawley, Hoffman, Holton, Johnson, Kenyon, Larson (Richland), Larsen (Sheridan), McAfee, McCormack, Myrick, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ruffcorn, Sandy, Seidensticker, Smethurst, Stoner, Strange, Swift, Tawney, Terrett, Tierney, Troy, Wold, Mr. Speaker. Total—54.

Noes: Andrew, Armstrong, Arnold, Baker, Burke, Caplis, Carlson (Gallatin), Cavanaugh, Cowley, Davis (Fergus), Dean, Denny, Duffy, English, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Joffray, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kinville, Lease, Leavens, Lemmon, Loble, McCarty, McLeod, Maury, Murphy, Mushbach, Nelson, O'Connell, Oker, Ridle, Rodgers, Roscow, Scharnikow, Smith, Spencer, Stoddard, Taylor, Zuck. Total—45.

Absent and not voting: Gillette. Total—1.

#### CONSIDERATION OF GENERAL ORDERS.

Moved by Gullidge, duly seconded and carried that the House resolve itself into a Committee of the Whole for the consideration of General Orders: that all bills be read by title, history and section number only, open to amendment; that the author of each bill allowed ten minutes for explanation of the bill, and two minutes for defense of any amendment; that the opponents of the bill be allowed the same time; that no member be allowed to give his time to another; provided, however, that five minutes additional time be allowed on revenue measures.

Wold in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

“Mr. Speaker:

We, your Committee of the Whole, having had under consideration bills on General Orders, respectfully report back with the recommendation that:

H. B. No. 202, be amended as follows: Section 1, by striking out the words “in the precinct in which he resides.”

By striking out all of Section 2 and renumbering the following sections as Sections 2 and 3.

And when so amended, do pass.

H. B. No. 76, do pass.

H. B. No. 93, that further consideration be indefinitely postponed.

H. B. No. 225, do pass.

H. B. No. 194, that the enacting clause be stricken out.

H. B. No. 268, do pass.

H. B. No. 271, do pass.

H. B. No. 56, do pass.

H. B. No. 178, be amended as follows: Section 6, by adding in line 4 thereof after the word “village” the words “having a newspaper.”

By striking out all that part of Section 23 after the word “disbursements in line one and inserting in lieu thereof the following: “The party foreclosing a mortgage by advertisement shall be entitled to his costs out of the proceeds of the sale, and shall also be entitled to attorney’s fees upon such foreclosure, not to exceed the following schedule of rates: When the amount due under the mortgage being foreclosed does not exceed the sum of twelve hundred fifty dollars, a fee of fifty dollars. For all above that amount and not exceeding ten thousand dollars, a fee of 4% of the amount of the mortgage, on all sums over ten thousand dollars, and not exceeding twenty thousand dollars, a fee of 3% of the amount of the mortgage, and for all above twenty thousand dollars, 2% of the amount of the mortgage being foreclosed, and the attorney fees as herein provided are declared to be reasonable attorney fees in the cases herein provided.

And when so amended, do pass.

WOLD, Chairman.”

On motion of Wold, report adopted.

Moved by Gullidge, duly seconded and carried, that the House resolve itself into a Committee of the Whole to resume its work on General Orders.

Wold in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

“Mr. Speaker:

We, your Committee of the Whole, having had under consideration bills on General Orders, respectfully report back with the recommendation that:

H. B. No. 180, do pass.

H. B. No. 219, be amended as follows: Section 6, by striking out in lines 8 and 10 the parenthesis before the word “but” and after the word “hall.”

And when so amended, do pass.

H. B. No. 46, be amended as follows: Section 1, by striking out in line three the following words “and from their kindred” and all of line 4.

And when so amended, do pass.

WOLD, Chairman.”

On motion of Wold, report adopted.

Upon request of Gullidge and with unanimous consent, reverted to:

## INTRODUCTION OF BILLS AND MEMORIALS.

The following bills were introduced, read first and second times by title only and referred to committees as follows:

The Committee on Engrossment reported as follows:

"Mr. Speaker :

We, your Committee on Engrossment, to whom was referred House Bills Nos. 56, 76, 225, 268, 271, 202, beg leave to report same back correctly engrossed.

LARSON of Richland, Chairman."

The Committee on Printing reported as follows :

"Mr. Speaker :

We, your Committee on Printing, to whom was referred House Bills Nos. 294, 286, 306, 262, 250, 218, 251, 314, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman."

"Mr. Speaker :

We, your Committee on Printing, to whom was referred House Bills Nos. 183, 289, 292, 154, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman."

H. B. No. 378, by Kelly of Pondera: "A Bill for an Act entitled: 'An Act to amend Section 914 of the Revised Codes of Montana of 1921.'" (Committee on State Boards and Officers).

H. B. No. 379, by Buell and Carlson: "A Bill for an Act entitled: 'An Act to amend Section 916 of the Revised Codes of Montana of 1921, relating to expenses of the State Entomologist.'" (Committee on Ways and Means.)

H. B. No. 380, by Cowley: "A Bill for an Act entitled: 'An Act to regulate the occupation of barbering, to create a board of examiners for the licensing of persons to carry on such practice, to insure the better education of such practitioners, to provide rules regulating the proper sanitation of barber shops, schools and colleges, preventing the spreading of contagious and infectious diseases, thereby insuring to the general public cleaner and better service.'" (Committee on Public Health and Sanitary Affairs.)

Upon request of Gullidge and with unanimous consent, reverted to :

#### MOTIONS AND RESOLUTIONS.

The following resolution was read :

"Whereas, Miss Belle Sherwin, Vice Chairman of the National League of Women Voters of the United States, is to be in Helena on Friday evening, February 23d, with a message for the voters of the State of Montana from the National League, we, therefore, move that Miss Sherwin be accorded the courtesy of addressing an open meeting in the hall of the House between the hours of 7:00 to 8:00 p. m. of that day and that the Honorable Senate and House of Representatives be invited as guests of the meeting.

ROSCOW.  
HAMILTON.  
FACEY.  
McCARTY.

Moved by Gullidge, duly seconded and carried, that resolution be adopted.

Moved by Swift, duly seconded, that a committee of three be appointed from the membership of the House to recommend to the House such bills on General Orders as in their opinion should be first considered by the House provided that Revenue and General Appropriations bills shall have precedence, as are now provided by House Rules.

Moved by Scharnikow, duly seconded that the motion of Swift be laid upon the table.

Motion of Scharnikow having failed, and question arose on the original motion, Duffy requested a roll call, duly seconded.

Moved by Gullidge, duly seconded and carried, that the House recess until 7:30 p. m.



## EVENING SESSION.

House resumed at 7:40 p. m.

Mr. Speaker in the chair.

A call of the House was demanded by Bergstrom, seconded by fifteen members.

Moved by Boorman, duly seconded and carried, that further action upon call of the House be dispensed with.

The question arose on the motion of Swift, made prior to recess that a committee of three be appointed.

Moved by Wold, duly seconded and carried, that the House postpone action on the motion until such time as the House may decide to take up the question again.

Moved by Boorman, duly seconded and carried, that a committee of three be appointed to arrange a suitable program in recognition of the anniversary of Washington's birthday.

Mr. Speaker appointed Boorman, Kennedy and Goodman, as members of the committee.

Upon request of Kenyon, and with unanimous consent, reverted to:

## REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received:

"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration H. B. No. 368, introduced by Buell by request: "An Act to amend Section 249 of the Revised Codes of the State of Montana of 1921 relating to the drawing of claims that are exempt from approval by the board of examiners," respectfully report as follows:

That H. B. No. 368, be referred to the Judiciary Committee.

BUELL, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration H. B. No. 328, introduced by Seidensticker: "An Act to appropriate money for the purchase of land at the State Orphans Home at Twin Bridges, Montana," respectfully report as follows:

That H. B. No. 328, that the title be amended as follows: That in line two of the title after the word "Land" and before the word "at," the words "and for improvements" be inserted.

That Section one be amended to read as follows: that in line one, Section 1, the words and figures "Four Thousand Dollars, (\$4,000.00) be stricken out and in lieu thereof the words and figures "Five Thousand Dollars (\$5,000.00) be inserted therein. That in Section one, line four, after the word "Land" and before the word "necessary" the words "and for improvements" be inserted thereto.

And that so amended, do pass.

BUELL, Chairman."

On motion of Bricker, report adopted.

"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration H. B. No. 367, introduced by Caplis: "An Act appropriating money for the return of the inheritance of Giusepp Marchi, which has escheated to the State under the mistake that no heir existed," respectfully report as follows:

That H. B. No. 367, do pass.

BUELL, Chairman."

On motion of Bricker, report adopted.

"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration H. B. No. 309, by Fulsher, "An Act to appropriate \$773.92 to W. D. Delphy in settle-

ment for expenses incurred during the years 1918, 1919 and 1920 while serving in the capacity of State Game Warden," respectfully report as follows:

That H. B. No. 309, do pass.

BUELL, Chairman."

On motion of Bricker, report adopted.

"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration H. B. No. 284, introduced by Facey, Denny, Swift and Maury: "An Act to appropriate fifteen thousand dollars from the general fund for the purpose of establishing in the State penitentiary at Deer Lodge a tannery to be operated by convict labor under the guidance of the warden," respectfully report as follows:

That H. B. No. 284, do pass.

BUELL, Chairman."

On motion of Bricker, report adopted.

"Mr. Speaker:

We, your Committee on Affairs of Cities, having had under consideration H. B. No. 346, introduced by Kelly of Silver Bow: "A Bill for an Act entitled: "An Act authorizing cities and towns to regulate and fix the rates charged by the public utilities operating in cities and towns," respectfully report as follows:

That H. B. No. 346 do not pass.

LEASE, Chairman."

On motion of Lease, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration H. B. No. 369, by Pilgeram by request, entitled: "An Act to provide for the issuing of license to itinerant beggars, vendors of small wares and others who are disabled or otherwise; to provide for the regulation of those who engage in begging or in selling small articles as a subterfuge for begging; to provide the necessary qualifications for obtaining such license; to provide for the furnishing of information upon which license may be granted; prescribing the duties of the police authorities; providing for reports to the Industrial Accident Board and prescribing penalties for violation of the act," respectfully report as follows:

That House Bill No. 369, do not pass.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration H. B. No. 307, by Davis of Wibaux, entitled: "An Act to amend Section 4037 of the Revised Laws of Montana, 1921, relating to the granting to stock brokers of permit to do business," respectfully report as follows:

That H. B. No. 307, do not pass.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration H. B. No. 370, by Kenyon and Pope, entitled: "An Act to authorize the supreme court to regulate practice and procedure in the court of record of Montana and repealing all acts and parts of acts in conflict herewith," respectfully report as follows:

That H. B. No. 370 was duly considered by this committee, but owing to the limit of time, and the great importance of the matters contained in the bill, your committee deemed it advisable that under the circumstances, it affecting the entire judiciary of the State, that before we could consider introducing this measure favorably, it would be well to consult the leading lawyers and jurists of the State, as to the advisability of making this departure in our criminal and civil procedure, we therefore, under those conditions and circumstances, inasmuch as the time is too limited to give it the weighty attention that it is entitled to, recommend that the same do not pass.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker :

We, your Committee on Judiciary, having had under consideration H. B. No. 371, by Kenyon and Pope, entitled: "An Act to amend Section 9859 of the Revised Codes of Montana of 1921, relating to judgments, costs and damages for mandamus proceedings," respectfully report as follows:

That H. B. No. 371, do pass.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker :

We, your Committee on Judiciary, having had under consideration H. B. No. 363, by McAfee, by request, entitled: "An Act authorizing Wilsie M. Cramer to commence, institute and prosecute to final determination an action at law against the State of Montana for the purpose of determining a certain controversy now existing between the said Wilsie M. Cramer and the State of Montana in connection with the sale of certain land situated in Flathead county, Montana, to the State of Montana for the use of the State Game and Fish Commission, and making an appropriation to pay any judgment which the said Wilsie M. Cramer may recover against the State of Montana in such action," respectfully report as follows:

That H. B. No. 363, do pass.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker :

We, your Committee on Ways and Means, having had under consideration H. B. No. 376, "A Bill for an Act entitled: 'An Act fixing the salaries of certain deputy state officers, clerks, stenographers, and other employees at the State capitol, repealing all acts in conflict therewith,'" respectfully report as follows:

That H. B. No. 276, be reported back without recommendation.

ARNOLD, Chairman."

On motion of Arnold, report adopted.

Moved by Scharnikow, duly seconded and carried, that House Bill No. 276 be printed and placed on General Orders.

"Mr. Speaker :

We, your Committee on Federal Relations, having had under consideration S. J. M. No. 5, introduced by Church and Duncan: "Memorial to the Senate of the United States of America in Congress assembled, to adopt resolution passed by the House of Representatives making income from securities hereafter issued by or under the authority of the State, taxable and giving State power to tax Federal securities," respectfully report as follows:

That S. J. M. No. 5, do pass.

HAWLEY, Chairman."

Moved by Hawley, report adopted.

Moved by Bernard, duly seconded and carried, that the House revert to:

#### MOTIONS AND RESOLUTIONS.

Moved by Bernard, duly seconded and carried, that Substitute for House Bill No. 257, House Bill No. 353, House Bill No. 354, be placed on Special Orders for tomorrow at 2:00 p. m.

Moved by Gullidge, duly seconded and carried that all House bills pertaining to constitutional amendments be considered jointly with Senate bills on constitutional amendments by the standing committees of House and Senate on Constitutional Amends as a Joint Conference Committee, for reporting out constitutional amendment bills after the 50th day.

Moved by Kenyon, duly seconded and carried that House Bill No. 321, be recalled from the Printing Committee and referred to the Judiciary Committee.

Moved by Oker, duly seconded and carried that the House reconsider its action in adopting committee report on House Bill No. 209.

Moved by Lease, duly seconded, that the motion be laid upon the table.



The motion to table having failed and question arising on motion to reconsider, same carried.

Moved by Oker, duly seconded and carried, that House Bill No. 209 be printed and placed on General Orders.

Moved by Kelly of Pondera, duly seconded and carried, that House Bill No. 378 be recalled from State Boards and Officers and referred to Appropriations Committee.

Moved by Swift, duly seconded and carried, that House Bill No. 273, be placed at the head of General Orders for Sunday the 18th.

The Committee on Printing reported as follows:

"Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bills. Nos. 345, 293, 338, 244, 322, 275, 223, 331, 229, 334, 234, 354, H. J. R. No. 3, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman."

### CONSIDERATION OF GENERAL ORDERS.

Moved by Gullidge, duly seconded and carried, that the House resolve itself into a Committee of the Whole for the consideration of General Orders; that all bills be read by title, history and section number only, open to amendment; that the author of each bill be allowed five minutes to explain the bill, and two minutes for the defense of any amendment; that opponents of each bill be allowed the same time; that no member be allowed to give his time to another; provided, however, that in case of a revenue bill five minutes additional time may be granted.

Scharnikow in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole, having had under consideration bills on General Orders, respectfully report back with the recommendation that:

H. B. No. 190, be placed at the foot of the list on General Orders.

H. B. No. 206, that the enacting clause be stricken out.

H. B. No. 222, be placed at the foot of the list on General Orders.

H. B. No. 233, be placed at the foot of the list on General Orders.

H. B. No. 279, do pass.

H. B. No. 153, do pass.

H. B. No. 253, do pass.

H. B. No. 263, do pass.

H. B. No. 267, do pass.

H. B. No. 280, be amended as follows: Section 2, by striking out in line 3 the word "clerk" and inserting in lieu thereof the word "Treasurer."

And when so amended, do pass.

H. J. M. No. 7, do pass.

H. B. No. 208, that the enacting clause be stricken out.

H. B. No. 181, do pass.

H. B. No. 186, do pass.

H. B. No. 242, that the enacting clause be stricken out.

H. B. No. 193, be placed at the foot of the list on General Orders.

H. B. No. 198, do pass.

H. B. No. 229, do pass.

H. B. No. 278, be amended as follows: Section 1, by inserting in line 15 the words "A County Attorney."

And when so amended, do pass.

SCHARNIKOW, Chairman."

On motion of Scharnikow, duly seconded, that report be adopted.

Moved by Smethurst, duly seconded, that House Bill No. 242 be segregated from the report.

A roll call having been demanded by Smethurst, duly seconded, the motion to table failed, the vote being as follows:

Ayes: Armstrong, Arnold, Bergstrom, Berryman, Buchanan, Burke, Buttelman, Cronk, Davis (Fergus), Dell, Denny, Elliott, Facey, Goodman, Gullidge, Hawley, Kennedy, Lease, Leavens, Lemmon, McLeod, Maury, Murphy, Mushbach, Nelson, O'Connell, Oker, Rasmussen, Rodgers, Seidensticker, Spencer, Taylor, Terrett. Total—33.

Noes: Andrew, Benedict, Brandjord, Bray, Bricker, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Davis (Wibaux), Dean, Duffy, English, Fulsher, Gillin, Hamilton, Hanson, Harris, Hoffman, Holton, Joffray, Johnson, Kelly (Silver Bow), Kenyon, Larson (Richland), Larsen (Sheridan), Loble, McAfee, McCormack, Myrick, Ostby, Peden, Perrine, Pilgeram, Pope, Ridle, Roscow, Ruffcorn, Sandy, Scharnikow, Smethurst, Smith, Stoddard, Stoner, Strange, Swift, Troy, Mr. Speaker. Total—50.

Absent and not voting: Andrus, Baker, Bernard, Bohling, Boorman, Bosley, Buell, Cowley, Flynn, Gillette, Kelly (Pondera), Kinville, McCarty, Tawney, Tierney, Wold, Zuck. Total—17.

Question arising on motion to reconsider, same carried.

Question arising on motion to adopt the report, except for House Bill No. 242, same carried.

Moved by Smethurst, duly seconded and carried that House Bill No. 242 be placed at the head of the list on General Orders.

Committee on Engrossment reported as follows:

“Mr. Speaker:

We, your Committee on Engrossment, to whom was referred House Bill No. 180, beg leave to report same back correctly engrossed.

LARSON of Richland, Chairman.”

Committee on Printing reported as follows:

“Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bills Nos. 340, 350, 357, 321, Sub. 257, 324, 333, 353, 327, 335, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman.”

“Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bills Nos. 345, 293, 338, 244, 322, 275, 223, 331, 329, 334, 234, 354, H. J. R. No. 3, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman.”

Upon request of Arnold, and with unanimous consent, reverted to:

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received:

“Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration H. B. No. 379, by Buell and Carlson: “A Bill for an Act entitled: ‘An Act to amend Section 916 of the Revised Codes of Montana of 1921, relating to expenses of the State Entomologist,’” respectfully report as follows:

That H. B. No. 379, do pass.

ARNOLD, Chairman.”

On motion of Arnold, report adopted.

Upon request of Larsen of Sheridan, and with unanimous consent, reverted to:

#### MOTIONS AND RESOLUTIONS.

Moved by Larsen of Sheridan, and duly seconded, that House Bills Nos. 272 and 315 be placed at the head and second place of the list on General Orders, respectively, except for the preference of revenue measures.

Pope demanded a division of the question.

Moved by Scharnikow, duly seconded and carried that the House adjourn until Sunday, February 18, at 1:30 p. m.

CALVIN CRUMBAKER, Speaker.

Attest. JAMES A. SHOEMAKER, Chief Clerk.

## FORTY-NINTH DAY

House of Representatives,  
February 18, 1923.

House convened pursuant to adjournment at 1:30 p. m.

Mr. Speaker in the chair.

Prayer by Boorman.

Upon roll call all members present except Gullidge, excused.

The Committee on Journal reported as follows:

"Mr. Speaker:

We, your Committee on Journal, have this day examined the Journal for the 48th legislative day and found the same correct.

BUCHANAN, Chairman."

Report adopted.

The Committee on Printing reported as follows:

"Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bills Nos. 138, 287, 158, 213, 203, 320, 360, 199, 187, 343, 305, 356, 90, 68, 359, 361, 236, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman."

## COMMUNICATIONS AND PETITIONS.

### COMMUNICATIONS FROM THE SENATE.

"Helena, Montana, February 17, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senator Harmon, chairman of the Committee on Rules, made the following motion which was duly seconded and carried:

"I move that the Committee on Committees name a committee of five on Constitutional Amendments to act with a like committee of the House to be known as the Joint Conference Committee on Constitutional Amendments."

Thereupon the chairman of the Committee on Committees, named the following senators as members of the Constitutional Amendment Committee: Stewart, T. P., Loy, Paul, Church, McQuitty.

Very respectfully,

J. F. CONE, Secretary of the Senate."

Moved by Boorman, duly seconded and carried, that the following Senate communications be considered read at length:

"Helena, Montana, February 17, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Senate bills were this day read third time and passed, title agreed to and are herewith transmitted to the House for concurrence:

Senate Joint Memorial No. 6.

Senate Substitute Joint Resolution No. 2.

Senate Bill No. 183.

Senate Bill No. 180.

Senate Bill No. 159.

Senate Bill No. 156.

Senate Bill No. 154.



Senate Bill No. 153.  
 Senate Bill No. 152.  
 Senate Bill No. 148.  
 Senate Bill No. 147.  
 Senate Bill No. 132.  
 Senate Bill No. 119.  
 Senate Bill No. 45.

Very respectfully,  
 J. F. CONE, Secretary of the Senate."

"February 17, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following is a report of the Standing Committee:

Reports adopted.

Senate Bill No. 26, introduced by Page, Committee on Judiciary. Substitute motion by Page to have bill printed and placed on General File—carried.

Committee on Judiciary: Senate Bill No. 171, introduced by Mears, recommend that said bill do pass.

Committee on Judiciary: Senate Bill No. 190, introduced by Gibson, recommend that said bill do pass.

Committee on Judiciary: Senate Bill No. 169, introduced by McQuitty, recommend that said bill do not pass.

Committee on Judiciary: Senate Bill No. 193, introduced by Haaland, recommend that said bill do not pass.

Committee on Judiciary: Senate Bill No. 200, introduced by Lowe, recommend that said bill do pass.

Committee on Judiciary: Senate Bill No. 203, introduced by Siegfriedt, recommend that said bill do pass.

Committee on Judiciary: Senate Bill No. 101, introduced by Speer, recommend said bill be amended by striking out all of Section 5 of said bill and inserting in lieu thereof the words, "That from and after the passage of this act no foreign corporation shall be permitted to enter the State of Montana for the transaction of business, where such foreign corporation has capital stock of no par value."

And when so amended, said bill do pass.

Committee on Judiciary: Senate Bill No. 191, introduced by Coburn, recommend said bill be amended by striking out in line 26, subdivision 4 of Section 1, of typewritten bill, the words, "not more than."

And as so amended said bill do pass.

Committee on Education: Senate Bill No. 201, introduced by Committee on Education, recommend that said bill do pass.

Committee on Education: Senate Bill No. 199, introduced by Lowe, recommend said bill be amended by inserting the words "free and clear of all encumbrances" after the word "property" in the last line of Section two, further that the bill be amended by striking out Section five, and that as so amended the bill be submitted to the Senate without recommendation.

Committee on Taxation: Senate Bill No. 112, introduced by Greenup, recommend that said bill do pass.

Committee on Agriculture: House Bill No. 147, introduced by Committee on Agriculture; recommend that said bill be amended as follows: Amend Section 3, line 29 of the engrossed bill, by striking out the word "for" and inserting the word "from."

Amend Section 3, line 24 of the engrossed bill by adding after the word "Freight," the words "and storage."

And as amended recommend that bill do pass.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"February 17, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee of the Whole to whom was referred business on General File report as follows: Reports adopted.

That Senate Bill No. 125 be amended by striking out the enacting clause.

Senate Bill No. 149: that consideration of same be passed.

Senate Bill No. 149 be amended in Section 1 by striking out all of line 4 after the word "and," and all of line 5.

Section 5, line 3, by striking out the word "Twenty" and inserting in lieu thereof the word "ten."

Section 6, line 3, by striking out after the word "section" the remainder of the section and adding thereto the following: "1228 of the Revised Codes of Montana of 1921."

And as so amended, recommend same do pass.

Senate Bill No. 138, be amended in Section 1, by striking out in line 22 the word "Blaine" and by inserting the word "Blaine" after the word "Hill" in line 16, and by striking out the word "Chouteau" in line 16, and by inserting the word "Chouteau" after the word "Cascade" in line 11 and by striking out the word "Judith Basin" in line 11 and by inserting the word "Judith Basin" after the word "Fergus" in line 13.

Also Section 1, by striking out in line 19 of the printed bill the word "Garfield" and inserting in lieu thereof the word "Rosebud and Treasure."

Also Section 1, by striking out in line 17 the word "Treasure."

Also Section 1, by striking out in line 4 the words "and Jefferson Counties" and inserting in lieu thereof the word County.

Also Section 1, by striking out in line 12 the word "Gallatin," and inserting in lieu thereof the word "Wheatland."

Also Section 1, by inserting as line 24, the following: "Nineteenth District, Gallatin and Jefferson Counties."

Amend Section 2, by inserting in line 5, after the word first, "But in the first, two judges, in the second "there shall be three judges and in the."

And as so amended, recommend same do pass.

Senate Bill No. 152 do pass.

Senate Joint Memorial No. 6 do pass.

Senate Substitute Resolution No. 2, do pass.

Senate Bill No. 167: Amend Section 1 by inserting in line 7, after the word "But" and preceeding the word "shall," the words "such profits."

Amend Section 1 by inserting a line 14 after the word "March" the words "Of each year" and strike out the comma (,) after the word "March" and insert a comma (,) after the word "year."

Amend Section 1 by adding at the end of the section the words, "For a period of one year," and changing the period (.) after the word "association" at the end of said section to a comma (,).

Senate Bill No. 147 do pass.

Senate Bill No. 148 do pass.

Senate Bill No. 159 do pass.

Senate Bill No. 183 do pass.

Senate Bill No. 180 do pass.

Senate Bill No. 154 do pass.

Senate Bill No. 153 do pass.

Senate Bill No. 120 do pass.

That consideration of Senate Bill No. 26 be passed.

That consideration of Senate Bill No. 158 be passed.

Senate Bill No. 167, Section 1 by inserting in line 2 after the word "borrower," the words "Of any Building & Loan Association, domestic, or foreign doing business in this State."

And as so amended, recommend same do pass.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"February 17, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Senate bills were this day introduced, read first and second times and referred to the following committees:

Senate Bill No. 204, introduced by Cowan: A Bill for an Act entitled: "An Act providing for making and filing assignments of accounts receivable." Referred to Committee on Banks and Banking.

Senate Bill No. 205, introduced by Paul, Dowlin and Clark: A Bill for an Act entitled: "An Act creating the Montana Pioneer Historical Fund, the Pioneer Historical Society Commission and defining and describing its powers and duties." Referred to Committee on Economy Legislation.

Senate Bill No. 206, introduced by Duncan: A Bill for an Act entitled: "An Act to amend Section 12264 of the Revised Codes of Montana of 1921, relating to paroles." Referred to Committee on Judiciary.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 17, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 152, introduced by Goodman, was this day reported from Committee on Sanitary Affairs with the recommendation that the same be not concurred in. Report adopted and the bill is herewith returned to the House. Also House Joint Memorial No. 3, introduced by Stoner, was this day reported from the Committee on Railroads and Transportation with a recommendation that the same be not concurred in.

Report adopted and the bill is herewith returned to the House.

Very respectfully,

J. F. CONE, Secretary of the Senate."

#### REPORTS OF SELECT COMMITTEES.

The following report of a special committee was received:

"February 15, 1923.

Mr. Speaker:

We, your Special Committee, appointed to investigate the executive departments of the State government, do hereby beg leave to report on the office of the State Superintendent of Public Instruction, as follows:

We find that the appropriations made for this office, and for various educational activities throughout the State under the department of Public Instruction, for the fiscal year beginning July 1, 1921, and ending June 30, 1922, were as follows:

General office expense, including salaries.....	\$ 31,750.00
State Board of Educational Examiners .....	8,500.00
Vocational Education, Federal funds .....	25,500.00
Vocational Education, State funds .....	25,500.00
Normal Training Department in High Schools.....	20,000.00
Total .....	\$111,250.00

We take this fiscal year as the subject of our investigations for the reason that it is the latest fiscal year for which complete figures are available. You will note that the appropriations for the office of the Superintendent of Public Instruction itself amount to.....\$ 31,750.00

We find that the salaries and expenses of the office itself during the same fiscal year are as follows:

Salaries and Expenses.	Salaries.	Expenses.
May Trumper, superintendent.....	\$ 3,600.00	\$ 676.55
Mina Petrashed, deputy .....	2,500.00	121.70
S. L. Peterson, succeeded by Carl A. Jessen,		
H. S. Sup'c'r .....	2,500.00	997.76
Adelaide M. Ayer, Rural Sup'v'r .....	2,291.67	748.22
Chas. M. Reinoehl, succeeded by Amalie Knobel,		
Rural Sup'v'r .....	2,500.00	846.53
Anna Carlson, Clerk .....	1,270.00	



Margaret Scott, Stenog. ....	1,102.50		
Annie Reeves succeeded by Opal Cronk, Stenog. ....	807.50		
Margaret Trottnow, Stenog. (temp.) .....	163.27		
Margaret Wise, Stenog. (temp.) .....	88.75		
	<hr/>	<hr/>	<hr/>
Total salaries and expenses .....	\$16,823.69	\$ 3,390.76	\$20,214.45
Other disbursements.			
Postage .....	\$ 982.92		
Stationery .....	144.38		
Telephone and Telegraph .....	377.07		
Express, Drayage, etc. ....	54.61		
Printing .....	5,597.78		
General Supplies .....	550.47		
Furniture and Furnishings .....	73.50		
Repairs .....	35.50		
	<hr/>	<hr/>	<hr/>
	\$ 7,816.23	7,816.23	28,030.68
Unexpended balance of the amount appropriated at termination of fiscal year .....			\$ 3,719.32

We invite the most careful scrutiny of these figures, showing what salaries have actually been paid, and what other expenses have been incurred. It is probably worthy of note that the total amount expended is \$3,719.32 less than the amount appropriated.

It might appear that the sum of \$5,597.78 for printing is a large sum; but it should be understood that this sum covers not only the cost of all the printing done for the office of the State Superintendent of Public Instruction, but that it also covers all the printing done for the school districts throughout the State. There are more than two thousand school districts in the State of Montana and the school registers, election notices, census report blanks and practically all other legal blanks used by the school districts are printed under the direction of the office of Superintendent of Public Instruction and are included in the above sum of \$5,597.78. Without a doubt the school districts throughout the State are saved considerable money by having the legal blanks printed in bulk by the State, instead of having this printing done by the individual school districts.

As shown above, there was "appropriated" for the State Board of Educational Examiners the sum of \$8,500.00. It should be explained that in reality this is not an appropriation. It is simply an estimate of the amount of fees that would be collected during the fiscal year for the examination of applicants for teachers' certificates and for issuing the same, which estimated sum, by virtue of this so-called appropriation, is made available for the payment of the expenses incurred in conducting these examinations and issuing the certificates. Not one dollar of this money is coming from the revenues of the State. The amount actually collected during the said fiscal year for such certificates is ..... \$ 7,043.00

(The fee charged is \$1 for the great majority of the certificates issued; a life certificate costs \$5.)

The expenses incurred in this work are as follows:

Salaries and Expenses.	Salaries.	Expenses.
Anna K. Larson, succeeded by S. T. Noland, succeeded by Nellie Johnnott, Clerk .....	\$ 1,753.00	
Emily Jorud, Stenog. (temp.) .....	98.00	
Margaret Trottnow, Steno (temp). ....	105.00	
Helen Walsh .....	29.75	
21 graders of Teachers' Examination papers....	2,379.42	
Expenses, State Board of Educational Ex- aminers .....		\$ 379.01

Postage, Stationery, Printing of Blanks, Certificates, etc. ....

345.09

\$ 4,365.07    \$ 724.10

Total Salaries and Expenses.....

\$ 5,089.17

Balance of Collections over disbursements..

\$ 1,953.83

It will be seen that instead of the State paying over to the Board of Educational Examiners the sum of \$8500.00, this Board working under the direction of the Department of Public Instruction, did actually earn for the State during the said fiscal year nearly \$2000.00.

The statement of appropriations for the fiscal year 1921-22 as shown in the initial statement of this report, reveals that there was appropriated \$25,500.00 from Federal funds for Vocational Education and the same amount from State funds for the same purpose, making a total appropriation of \$51,000.00. These funds are expended through the State Board of Education, under the Department of Vocational Education. The amount contributed by the National Government is made available for these purposes under what is known as the Smith-Hughes act.

The various items of these expenditures for the said fiscal year are as follows:

	State.	State Appropri.	Federal.	Federal Appro. and other Collections.
G. B. Edwards, Director V. E.....	\$ 2,400.00	\$25,500.00	\$ 1,200.00	\$25,500.00
M. J. Abbey, Supervisor, Agri.....	1,108.35		791.65	
Gladys Branyan, Supervisor H. E.	875.00		625.00	
Lillian Roth, Clerk, Bozeman.....	300.00		250.00	
Louis Johnson, Stenog. ....	29.18			
Elnora Miles, Stenog. ....	16.67			
Vida Durham, Stenog. ....	16.67		66.68	
Helen Grohbrugge, Clerk .....	630.00		450.00	
Mrs. Trottnow, Stenog. (1 day)....			4.00	
Alma Huber, Stenog. (3½ days)....			14.00	
Other disbursements.				
Printing .....	65.87		180.50	
Supplies .....	330.73		188.22	
Communication .....	80.67		83.17	
G. B. Edwards, expenses.....	849.11		446.43	
M. J. Abbey, expenses.....	369.02		466.40	
Gladys Branegan, expenses.....	171.82		414.55	
Reimbursements to Schools.				
Agriculture .....	548.87		10,997.64	
Home Economics .....	1,334.10		1,000.00	
Trade and Industry.....	3,778.67		3,958.33	
Teacher Training—State Col.				
Agriculture .....	2,050.00		2,050.00	
Trades and Industry.....	352.14		352.14	
Home Economics .....	1,500.00		1,500.00	
Teacher Training—State U.				
Home Economics .....	500.00		500.00	
Itinerant Teacher Train. (sal.)....			225.00	
Total Disbursements.....	\$17,306.87		\$25,763.71	
Balance—June 30, 1923.....		\$ 8,193.13		\$ 233.93

The requirements of the Federal laws in regard to supervision over this work are so numerous and so complicated that they make the administration of these funds very expensive.

It will be shown from the statement above given that a total of.....\$ 5,375.87 was expended from the appropriation made by the State for directors, supervisors, etc., and that the expenses incurred by these directors, supervisors, etc., amount to..... 1,867.22

The statement further shows that there was expended from this fund for the training of teachers to teach vocational training to others the sum of .....	4,402.14
Also that there was expended for teaching "trades and industry" the sum of .....	3,778.37
and that there was expended for actually teaching agriculture and Home Economics to pupils in the schools only.....	1,880.97
<hr/>	
The total of all these expenditures from the \$25,500.00 appropriated by the State for the said fiscal year is.....	\$17,304.87
Leaving an unexpended balance in this fund of.....	8,193.13

Considering the small amount of this appropriation (only \$1880.97 out of \$17,304.87), that actually goes towards teaching agriculture and home economics in our schools, the question arises, if it does not cost the State of Montana entirely too much to obtain the appropriation from the Federal Government in aid of vocational education. We recommend that the Committee on Appropriations look into this subject carefully and obtain the opinion of educators and business men as to whether or not it is advisable for the State to continue any appropriation whatever in aid of vocational education. We want to say, in this connection, that the requirements of the Federal Government in regard to this vocational education are so numerous and complicated that many high schools throughout the State do not avail themselves of the assistance that they could obtain from the Federal Government. If this appropriation is discontinued it will save the State the full amount of the appropriation which, for the year 1921-22 was \$25,500.00, as before stated.

The appropriation of \$20,000 for Normal Training in the high schools of the State is apportioned directly to the various high schools throughout the State that maintain a normal training department for rural teachers. Educators and business men inform us that in their opinion these normal departments in our high schools are working well and have made it possible for the State of Montana to give normal training to a great number of teachers in rural schools, who, on account of expenses and for other reasons, would not be able to avail themselves of the Normal Training offered at the State Normal College at Dillon.

The amount apportioned to high schools throughout the State during the fiscal year in question amounted to \$21,256.25, or \$1,256.25 more than the amount appropriated. This expenditure excess of the appropriation for that fiscal year will be deducted from the apportionment made during the present fiscal year.

Summarizing the unexpended balances of the appropriations made for this office for the one fiscal year 1921-22 we find the following:

Office of Superintendent of Public Instruction.....	\$ 3,719.32
Certification of teachers .....	1,953.83
Vocational Education (balance of appropriation made by the State).....	8,195.13
<hr/>	
	\$13,868.28
Deduct for high school normal training, amount expended above appropriation .....	1,256.25
<hr/>	
Net amount of unexpended balances from appropriations made for the one fiscal year .....	\$12,612.03

In conclusion, the only recommendations we have to make are that sufficient appropriations be made for the office of the State Superintendent of Public Instruction to maintain it at its present high state of efficiency, including the compensation and the expenses required for two rural inspectors and one high school inspector; and that the Committee on Appropriations carefully consider the question as to whether or not it is good business to make any appropriation whatsoever for Vocational Training.

It is our opinion and belief, from the investigations we have made, that the office of the State Superintendent of Public Instruction is being administered in



a highly efficient manner and fully as economically as a carefully conducted private business.

Respectfully submitted,

HANSON, Chairman,  
Special Committee Investigating Executive  
Departments of the State Government."

Moved by Hanson, duly seconded and carried that the report of the committee be considered read at length, and be printed and placed on the desks of the members.

### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received:

"Mr. Speaker:

We, your Committee on Banks and Banking, having had under consideration S. B. No. 52, introduced by Greening, A Bill for an Act entitled: "An Act relating to chattel mortgages and increase thereof," respectfully report as follows:

That S. B. No. 52 be referred back to the House with the recommendation that it be concurred in.

JOHNSON, Chairman."

On motion of Johnson, report adopted.

"Mr. Speaker:

We, your Committee on Banks and Banking, having had under consideration S. B. No. 140, introduced by Committee on Banks and Banking, A Bill for an Act entitled: "An Act placing under the supervision of the State Examiner all corporations within the State doing a business similar to that of a building and loan association, and making applicable thereto the building and loan association laws of the State and defining the powers of such corporations," respectfully report as follows:

That S. B. No. 140 be referred back to the House with the recommendation that it be concurred in.

JOHNSON, Chairman."

On motion of Johnson, report adopted.

"Mr. Speaker:

We, your Committee on Banks and Banking, having had under consideration S. B. No. 106, introduced by Greening, A Bill for an Act entitled: "An Act to amend Section 8275 of the Revised Codes of Montana of 1921, relating to chattel mortgages," respectfully report as follows:

That S. B. No 106. be referred back to the House with the recommendation that it be concurred in.

JOHNSON, Chairman."

On motion of Johnson, report adopted.

### INTRODUCTION OF BILLS AND MEMORIALS.

The following bill was introduced, read first and second times by title only, and referred to Committee on Irrigation and Water Rights.

H. B. No. 381, by Spencer, and Armstrong: "A Bill for an Act entitled: 'An Act relating to irrigation districts, providing for the withdrawal of tracts of land from any such irrigation district by the owners thereof and providing the method of and the procedure for such withdrawal.'" (Committee on Irrigation and Water Rights).

### MOTIONS AND RESOLUTIONS

Moved by Kinville, duly seconded and carried that House Bill No. 232 be taken from the Committee on Public Morals, Charities and Reforms and printed and placed on General Orders.

Consent of the House was given to have the Journal show Loble as voting aye on House Bill No. 119 instead of being recorded absent.

Moved by Scharnikow, duly seconded and carried that the House reconsider its action in making House Bill No. 257 a special order of business for 2:00 P. M. today.

Moved by Scharnikow, duly seconded and carried that House Bill be made a special order of business for 4:00 P. M. today.

Moved by Nelson, duly seconded and carried that the Printing Committee be ordered to report House Bill No. 249 correctly printed this afternoon.

Moved by Boorman, duly seconded and carried that House Bill No. 335 be placed at the foot of the first column on general orders.

Moved by Swift, duly seconded and carried that House Bills Nos. 273 and 244 be placed at the head of the list on General Orders for tomorrow morning.

Moved by Bricker, duly seconded and carried that House Bill No. 319 be referred to the Committee on Fairs and Expositions.

### THIRD READING OF HOUSE BILLS

Moved by Gullidge, duly seconded and unanimously carried that all bills on third reading be read by title and history only and that the Journal show that they were read at length.

The hour of two o'clock having arrived at which time was set for a special order of business, it was moved by Boorman, duly seconded and carried by the necessary majority that the House proceed with the third reading of bills instead of taking up the special order.

H. B. No. 56, by Smith, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Cady, Caplis, Carlson (Gallatin), Carlson, (McCone), Cavanaugh, Clarke, Cowley, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Elliott, English, Flynn, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Lease, Leavens, Lemmon, Loble, McCarty, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—87.

Noes: Facey, Larsen (Sheridan), McAfee, McCormack. Total—4.

Absent and not voting: Buell, Burke, Buttleman, Duffy, Fulsher, Gillette, Gillin, Smith, Tawney. Total—9.

H. B. No. 76, by Scharnikow, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Bosley, Brandjord, Bray, Bricker, Buchanan, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Elliott, English, Facey, Flynn, Fulsher, Goodman, Gullidge, Hamilton, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—90.

Noes: None.

Absent and not voting: Boorman, Buell, Burke, Buttleman, Cowley, Duffy, Gillette, Gillin, Hanson, Swift. Total—10.

H. B. No. 202, by Benedict, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Buell, Buttleman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cowley, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell,

Denny, Elliott, English, Facey, Flynn, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kenyon, Kinville, Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Murphy, Mushbach, Myrick, Nelson, Ostby, Peden, Pilgeram, Pope, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—84.

Noes: Andrew, Fulsher, Larson (Richland), Maury, O'Connell, Oker, Perrine, Rasmussen, Ridle, Rodgers. Total—10.

Absent and not voting: Burke, Duffy, Gillette, Kennedy, Taylor, Tawney. Total—6.

H. B. No. 225, by Committee on Horticulture, having been read three several times and title and history agreed to was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Buell, Buttleman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Wibaux), Dean, Dell, Elliott, English, Facey, Flynn, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kennedy, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Loble, McAfee, McCarty, McCormack, McLead, Maury, Murphy, Muchbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—86.

Noes: Cowley, Davis (Fergus), Denny, Fulsher, Gillin, Kelly (Pondera), Kelly (Silver Bow). Total—7.

Absent and not voting: Burke, Duffy, Gillette, Goodman, Kenyon, Lemmon, Tawney. Total—7.

H. B. No. 268, by Committee on Appropriations, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Buell, Burke, Buttleman, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cowley, Cronk, Davis (Wibaux), Dean, Dell, Denny, Duffy, English, Facey, Flynn, Gillin, Goodman, Gullidge, Hamilton, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Taylor, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—90.

Noes: Davis (Fergus), Elliott, Fulsher. Total—3.

Absent and not voting: Cady, Gillette, Hanson, Johnson, Ruffcorn, Swift, Tawney. Total—7.

H. B. No. 271, by Bricker, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Bosley, Brandjord, Bray, Bricker, Buchanan, Buttleman, Caplis, Carlson (Gallatin), Carlson (McCone), Clarke, Cronk, Davis (Wibaux), Dean, Dell, Denny, Elliott, English, Facey, Flynn, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Taylor, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—85.

Noes: Armstrong, Burke, Cowley, Davis (Fergus), Fulsher. Total—5.

Absent and not voting: Boorman, Buell, Cady, Cavanaugh, Duffy, Gillette, O'Connell, Ruffcorn, Swift, Tawney. Total—10.



H. B. No. 180, by Boorman and Pope, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Brandjord, Bray, Bricker, Buchanan, Buell, Buttleman, Carlson (Gallatin), Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Elliott, Facey, Flynn, Goodman, Gullidge, Hamilton, Hanson, Harris, Hoffman, Holton, Joffray, Kelly (Pondera), Kenyon, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, McAfee, McCarty, McCormack, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Pilgeram, Pope, Rasmussen, Rodgers, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoner, Strange, Taylor, Terrett, Tierney, Troy, Wold, Mr. Speaker. Total—67.

Noes: Andrew, Bosley, Burke, Cady, Caplis, Carlson (McCone), Cavanaugh, Cowley, Dell, Denny, Duffy, English, Fulsher, Gillin, Hawley, Johnson, Kelly (Silver Bow), Kinville, Loble, McLeod, Maury, Murphy, Mushbach, Perrine, Ridle, Roscow, Stoddard, Zuck. Total—28.

Absent and not voting: Andrus, Gillette, Kennedy, Swift, Tawney. Total—5.

### SPECIAL ORDERS—CONSIDERATION OF GENERAL ORDERS

#### WITH RESPECT TO HOUSE BILLS NOS. 353 AND 354

Moved by Bernard, duly seconded and carried that the House resolve itself into a Committee of the Whole for the consideration of House Bills Nos. 353 and 354; that both bills be read by title, history and section number only, open to amendment; that the author of the bill be allowed five minutes to explain each bill, two minutes in defense in case of any amendment, and that opponents be given the same time; that no member be allowed to give his time to another.

Bricker in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole, having had under consideration, H. B. Nos. 353 and 354, respectfully report back with the recommendation that:

H. B. No. 353, be amended as follows:

Section 1 by striking out in line 19 the word "two" just before the word "tons" and inserting the word "three."

Section 1 by adding a line to be numbered 20½ to read "trucks over 5 tons capacity two hundred dollars."

Section 1 by striking out all of line 8.

Section 1 by inserting "and under 5 ton" in line 20 after the word "capacity."

Insert line 8 as follows: "Dealers in automobile accessories whose yearly sales amount to \$200.00 shall pay a fee of \$10.00."

And when so amended do pass.

H. B. No. 354, be amended as follows:

Section 1 by inserting in line 3 after the word "distributor" the words "and dealer" and wherever else said word "distributor" appears to insert there after the words "and dealer".

That the Committee do not arise and report progress.

BRICKER, Chairman."

On motion of Bricker, report adopted.

### SPECIAL ORDER—CONSIDERATION OF GENERAL ORDERS WITH

#### RESPECT TO SUBSTITUTE FOR HOUSE BILL NO. 257.

Moved by Kenyon, duly seconded and carried that the House resolve itself into a Committee of the Whole for the consideration of House Bill No. 257; that the bill be read by title, history and section number only, except that a

member may request any section to be read; that debate on the bill in its entirety be limited to 10 minutes to any one member, either on motion to strike out the enacting clause, on motion to pass, or not to pass with two minutes on each amendment, and that no member may give his time to another.

Bricker in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

**"Mr. Speaker:**

We, your Committee of the Whole, having had under consideration, Substitute for H. B. No. 257, respectfully report back with the recommendation that Substitute for H. B. No. 257 be amended as follows:

Section 6 by inserting in line 3 after the word "members" the words "to be appointed by the Governor."

Section 6 by adding after the word "United States" in line 5 the words "and a resident of the State of Montana."

Section 6 by inserting after the word "be" in line 6 the words "a competent road builder."

Section 6 by adding in line 3 after the word members "only two of which shall be of one political part."

Section 7 by striking out in line 22 of printed bill all after the words "shall not exceed" and the words "cent for extensions and surveys" in line 23, and inserting in lieu thereof the words "the amount appropriated by the Legislative Assembly of the State of Montana, for administration expenses, including the expense for extensions and surveys."

Section 9 by adding to such section the following words: "Provided, further, the State Highway Commission is directed and hereby required to discontinue, from and after the passage and approval of this Act, to perform any work in the preparation of plans or specifications upon any road project within the State of Montana, other than in Forest Reserves or Indian Reservations where no contract has been let prior to the time this Act shall take effect, unless such request shall be made for some definite project by the Board of County Commissioners, determining the project for a public highway or state highway, giving the course of such proposed highway, the commencement thereof, and the ending thereof, and then only when the Board of County Commissioners shall have, by resolution duly adopted, declared their intention of having such highway constructed, and having either sufficient funds on hand that can be lawfully used for such purpose, or shall have had authority to issue bonds for such purpose, making such funds available.

Section 11 by striking out in line 38 the word "ninety" and substituting therefor the word "thirty."

Section 11 by inserting at the end the following words "and provided the said contractor must file an affidavit to the effect that the receipts and acquittances filed by said contractor with the State Engineer included all claims of every kind and nature for labor, materials or supplies entering into the work to be done under said contract; and provided, further, that if the affidavit filed by the contractor shall be false and incorrect and filed with the willful intention of defrauding any person or persons of just claims, such contractor shall be guilty of a misdemeanor.

Section 13 by striking out lines 1 to 13 inclusive and renumbering subsequent sections.

Section 15 by adding the following words: "In case no satisfactory bids are received, new advertisements may be made, or the work may be performed by day labor under the direction of the engineer, subject to the approval of said commission as provided in this section. The commission may authorize and provided for the construction of any highway or part of a highway by convict labor, and if said commission so authorizes and provides for convict labor, the Board of Prison Commissioners shall, upon its request, detail from the state penitentiary such convicts as in his judgment may seem proper for use in the work of constructing such highway or such part of a highway; and such convicts shall be delivered to said engineer on such terms and conditions as shall be prescribed by the Board of Prison Commissioners and approved by the Governor."

Section 16 by striking out in line 17 of printed bill the words "it being the in" and also all of lines 18 to 24 inclusive, and also all of line 25 down to the words "and providing further."

Section 21, by striking out the whole thereof and inserting in lieu thereof the words: "The State Highway Fund shall be such sum or sums as may be specifically appropriated by the Legislative Assembly of Montana for such fund and such other funds as may by law be placed in such fund."

The State Highway Trust Fund shall be the moneys paid into the State Treasury, from counties of the state and from the United States government or other agencies for expenditure by the state highway commission, and shall only be expended by the state highway commission in connection with the actual construction of specific road projects, and all claims against said State Highway Trust Fund, for payment of actual construction work must be prepared, approved by the commission and audited by the state board of examiners in the same manner as other claims against the state, provided however, that nothing herein contained shall prevent the state highway commission from recovering from the state highway trust fund moneys deposited or paid into such trust fund by counties and the federal government or other agencies, to defray the cost of engineering incident to the construction, supervision and inspection of projects carried on under the direction of the commission."

Section 18 by striking out in line 8 the words "provided that no moneys, etc....." and all thereafter.

And when so amended, do pass.

BRICKER, Chairman."

On motion of Bricker, report adopted.

The Committee on Printing reported as follows:

"Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bills Nos. 358, 249, 296, 309, 328, 367, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman."

"Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bills Nos. 349, 362, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman."

Moved by Gullidge, duly seconded and carried that the House recess until 8:30 P. M.

#### EVENING SESSION

House resumed at 8:30 P. M.

Mr. Speaker in the chair.

#### SPECIAL ORDERS—CONSIDERATION OF GENERAL ORDERS

##### WITH RESPECT TO HOUSE BILL NO. 354.

Moved by Swift, duly seconded and carried that the House resolve itself into a Committee of the Whole for the consideration of Special and General Orders, that the rules of debate in use this afternoon be adopted at this time; that all revenue measures, appropriations measures, and constitutional amendment measures be not considered this evening, with the exception of House Bill No. 143.

Bricker in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:



"Mr. Speaker:

We, your Committee of the Whole, having had under consideration bills on special and general orders, respectfully report back with the recommendation that:

H. B. No. 354, be further amended as follows:

Section 2 by adding after the words "Section 2392" the words "Twenty per cent of", also by striking out of line 7 of the printed bill all after the words "State of Montana" and all of lines 8 and 9 and inserting in lieu thereof the words "The balance of said moneys received by the State Treasurer under the provisions of this Act must be by him at the end of each fiscal year distributed and apportioned as follows: fifty per cent thereof to the General School Fund of the State and fifty per cent thereof to the respective counties of the State in proportion as the area of each county bears to the area of the whole state for the county road fund of each county."

Amend the above amendment to Section 2 by adding after the words "50% thereof to the State School Fund" the following words "Five per cent thereof to be apportioned to each district high school and county high school in proportion to the aggregate number of years of accredited high school work of each district high school and county high school, during the last calendar year aforesaid in each such district high school and county high school."

And when so amended, do pass.

H. B. No. 242, that the enacting clause be stricken out.

H. B. No. 143, that the enacting clause be stricken out.

H. B. No. 195, be amended as follows:

Section 7, by striking out in line 4 the words "in a sum double the amount of such bonds or coupons as shall be dishonored" and inserting in lieu thereof the words "in the amount of the damages sustained."

And when so amended, do pass.

H. B. No. 216, do pass.

H. B. No. 281, do pass.

H. B. No. 283, do pass.

H. B. No. 304, be amended as follows:

Section 1 by adding thereto the following: "Provided, however, the provisions of the Act shall not apply where thirty per cent or more of the students enrolled in any county high school during the last preceding school year whose parents reside outside of the school district in which such high school is located."

Section 2 by striking out in line 2 the words "one hundred free holders" and inserting in lieu thereof the words "one hundred and fifty tax-paying freeholders and qualified electors."

Section 2 by adding after line 10 of the printed bill the following: "Provided the term 'qualified electors' as used in this Act shall include only such qualified electors under the general school laws of the state as are also freeholders and taxpayers of the county as shown by the last preceding assessment roll."

And when so amended, do pass.

Sub. H. B. No. 104, do pass.

Sub. H. B. No. 107, do pass.

H. B. No. 335, be placed at the bottom of the second column on General Orders.

H. B. No. 188, do pass.

H. B. No. 243, do pass.

H. B. No. 276, that the enacting clause be stricken out.

H. B. No. 130, be placed at the head of the list for tomorrow.

H. B. No. 285, do pass.

H. B. No. 274, that the enacting clause be stricken out.

H. B. No. 168, do pass.

H. B. No. 135, do pass.

H. B. No. 162, be amended as follows:

Section 1, by striking out in line 16 the words "may employ an attorney" and inserting in lieu thereof the words "shall request the attorney general."

Section 1, by striking out in line 17 "at the expense of the county, city or town."

And when so amended, do pass.

H. B. No. 310, do pass.

BRICKER, Chairman."

Moved by Bricker and duly seconded that the report be adopted.

Moved by Tawney and duly seconded that House Bill No. 143 be segregated from the report.

Upon request for roll call by Tawney, duly seconded, the motion to segregate failed, the vote being as follows:

Ayes: Baker, Benedict, Bergstrom, Bosley, Bray, Cady, Caplis, Carlson (McCone), Clarke, Duffy, Elliott, Facey, Joffray, Kelly (Pondera), Larsen, (Sheridan), Loble, Maury, Oker, Ostby, Pilgeram, Scharnikow, Seidensticker, Smethurst, Smith, Stoner, Strange, Tawney, Tierney, Troy, Mr. Speaker. Total—30.

Noes: Andrus, Armstrong, Berryman, Bohling, Boorman, Brandjord, Bricker, Buchanan, Burke, Buttleman, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Denny, English, Flynn, Goodman, Gullidge, Hamilton, Hawley, Hoffman, Holton, Johnson, Kennedy, Kenyon, Lease, Leavens, Lemmon, McCormack, McLeod, Murphy, Mushbach, Myrick, Nelson, O'Connell, Peden, Perrine, Pope, Rasmussen, Roscow, Ruffcorn, Sandy, Spencer, Stoddard, Swift, Taylor, Terrett. Total—48.

Absent and not voting: Andrew, Arnold, Bernard, Buell, Carlson (Gallatin), Cavanaugh, Cowley, Dell, Fulsher, Gillette, Gillin, Hanson, Harris, Kelly (Silver Bow), Kinville, Larson (Richland), McAfee, McCarty, Ridle, Rodgers, Wold, Zuck. Total—22.

The question then arising on the motion to adopt the report, same carried.

Moved by Duffy, duly seconded and carried that the House revert to:

#### MOTIONS AND RESOLUTIONS

Moved by Caplis, duly seconded and carried that House Bill No. 296 be placed on General Orders next to the bills already ordered placed at the head of the list.

The Committee on Printing reported as follows:

"Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bills Nos. 374, 375, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman."

Moved by Swift, duly seconded and carried that the House adjourn until Monday, February 19, at 9:30 A. M.

CALVIN CRUMBAKER, Speaker.

Attest: JAMES A. SHOEMAKER, Chief Clerk.

#### FIFTIETH DAY

House of Representatives,

February 19, 1923.

House convened pursuant to adjournment at 9:35 A. M.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Upon roll call all members present except: Kelly of Silver Bow, absent, and Gillette, excused.

The Committee on Journal reported as follows:

"Mr. Speaker:

We, your Committee on Journal, have this day examined the Journal for the 49th Legislative day and found the same correct.

BUCHANAN, Chairman."

## INTRODUCTION OF BILLS AND MEMORIALS

The following bill was introduced, read first and second times and referred to committee as follows:

H. B. No. 382, by Ostby: "A Bill for an Act entitled: 'An Act creating the Northern Montana State Normal School designating the method of its location and defining its purpose and making an appropriation of money to carry out this Act'." (Committee on Appropriations).

The following bill was introduced, read first and second times by title only, and referred to the Committee on Townships and Counties:

H. B. No. 384, by Committee on Appropriations: "A Bill for an Act entitled: 'An Act appropriating money for the payment of deficiency claims on amount of transporting prisoners becoming due during the year ending February 28th, 1923'." (Committee on Appropriations).

## MOTIONS AND RESOLUTIONS

Moved by Gullidge, duly seconded and carried by the necessary two thirds vote that all bills, which pass through General Orders without amendment attached, be considered properly engrossed and placed on third reading.

Moved by Scharnikow, duly seconded and carried by the necessary majority that the Engrossing Committee have leave to report at any time and that the House thereupon take up third reading.

Moved by Smethurst, duly seconded and carried that the House revert to:

## MOTIONS AND RESOLUTIONS

Moved by Nelson, duly seconded and carried that House Bill No. 249 be placed second to the top of the second column on General Orders.

Moved by Gullidge, duly seconded and carried that no further juggling of bills be permitted.

## CONSIDERATION OF GENERAL ORDERS

Moved by Gullidge, duly seconded and carried, that the House resolve itself into a Committee of the Whole for the consideration of General Orders; that all bills be read by title, history and section number only, open to amendment; that the author of each bill be allowed five minutes to explain the bill and two minutes in defense of every amendment; that opponents to each bill be allowed the same length of time; that no member be allowed to give his time to another.

Bricker in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole, having had under consideration bills on General Orders, respectfully report back with the recommendation that:

H. B. No. 273, that the enacting clause be stricken out.

H. B. No. 344, that the enacting clause be stricken out.

H. B. No. 179, that the enacting clause be stricken out.

H. B. No. 297, that the enacting clause be stricken out.

H. B. No. 88, action temporarily postponed.

H. B. No. 144, action temporarily postponed.

H. B. No. 303, do pass.

H. B. No. 30, be placed at foot of second column.

H. B. No. 39, action temporarily postponed.

H. B. No. 145, action temporarily postponed.

H. B. No. 197, do pass.

H. B. No. 335, do pass.

H. B. No. 296, be amended as follows:

Section 139 by inserting in line 2 thereof the word "therewith" the following: "except other general or special bills providing for the merging



and consolidation of the corporate existence and government of counties and cities heretofore passed by this assembly.

And when so amended, do pass.

H. B. No. 255, do pass.

H. B. No. 249, do pass.

Sub. H. B. No. 129, do pass.

H. B. No. 272, do pass.

H. B. No. 317, do pass.

H. B. No. 241, that the enacting clause be stricken out.

BRICKER, Chairman."

Moved by Bricker, duly seconded that report be adopted.

Moved by Swift, duly seconded, that House Bill No. 273 be segregated from the report of the Committee of the Whole.

Swift, seconded by fifteen members, remanded a call of the House.

On motion of Swift, duly seconded and carried, further action under call of the House was dispensed with.

The question arising on the motion to segregate, and a roll call having been demanded by Bray, duly seconded, the motion carried.

The vote was as follows:

Ayes: Andrus, Benedict, Bergstrom, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Buell, Buttleman, Cady, Carlson (McCone), Clarke, Cronk, Davis (Wibaux), Elliott, Facey, Hanson, Harris, Hoffman, Holton, Johnson, Kenyon, Larson (Richland), Larsen (Sheridan), McAfee, McCormack, Myrick, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ruffcorn, Sandy, Seidensticker, Smethurst, Stoner, Strange, Swift, Tawney, Terrett, Tierney, Troy, Wold, Mr. Speaker. Total—50.

Noes: Andrew, Armstrong, Arnold, Baker, Bernard, Burke, Caplis, Carlson (Gallatin), Cavanaugh, Davis (Fergus), Dean, Dell, Denny, English, Flynn, Fulsher, Goodman, Gullidge, Hamilton, Hawley, Joffray, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kinville, Lease, Leavens, Lemmon, Loble, McCarty, McLeod, Maury, Murphy, Mushbach, Nelson, O'Connell, Oker, Ridle, Rodgers, Roscow, Scharnikow, Smith, Spencer, Stoddard, Taylor, Zuck. Total—46.

Absent and not voting: Cowley, Duffy, Gillette, Gillin. Total—4.

Moved by Ruffcorn, duly seconded that House Bill No. 297 be segregated from the report of the Committee of the Whole.

Moved by Terrett, duly seconded, that the motion be laid upon the table.

A roll call having been demanded by Ruffcorn, duly seconded, the motion to table carried, the vote being as follows:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Brandjord, Bricker, Buchanan, Buell, Burke, Buttleman, Caplis, Cavanaugh, Carke, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, English, Fulsher, Goodman, Hamilton, Hawley, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kinville, Lease, Leavens, Lemmon, Loble, McCarty, McLeod, Maury, Murphy, Mushbach, Nelson, O'Connell, Oker, Pope, Ridle, Rodgers, Roscow, Scharnikow, Seidensticker, Smith, Spencer, Stoddard, Taylor, Terrett, Zuck. Total—57.

Noes: Bernard, Bohling, Boorman, Bosley, Bray, Cady, Carlson (McCone), Cronk, Elliott, Facey, Flynn, Gullidge, Hanson, Harris, Hoffman, Holton, Kenyon, Larson (Richland), Larsen (Sheridan), McAfee, McCormack, Myrick, Ostby, Peden, Perrine, Pilgeram, Rasmussen, Ruffcorn, Sandy, Smethurst, Stoner, Strange, Swift, Tawney, Tierney, Troy, Wold, Mr. Speaker. Total—38.

Absent and not voting: Carlson (Gallatin), Cowley, Duffy, Gillette, Gillin. Total—5.

Moved by Tawney, duly seconded, that House Bill No. 179 be segregated from the report of the Committee of the Whole.

Moved by Spencer, duly seconded that the motion be laid upon the table.

A roll call having been requested by Tawney, duly seconded, the motion to table carried, the vote being as follows:

Ayes: Arnold, Bergstrom, Bernard, Berryman, Bohling, Boorman, Brandjord, Buchanan, Buell, Burke, Buttelman, Cavanaugh, Cronk, Davis (Fergus), Dean, Dell, Denny, Elliott, English, Flynn, Fulsher, Goodman, Gullidge, Hamilton, Hawley, Hoffman, Holton, Kelly (Silver Bow), Kennedy, Kenyon, Lease, Leavens, Lem-

mon, McAfee, McCormack, McLeod, Murphy, Mushbach, Nelson, O'Connell, Pope, Roscow, Ruffcorn, Smith, Spencer, Stoddard, Swift, Taylor, Terrett, Wold, Zuck. Total—51.

Noes: Andrew, Armstrong, Baker, Benedict, Bosley, Bray, Bricker, Cady, Caplis, Carlson (McCone), Clarke, Davis (Wibaux), Facey, Hanson, Harris, Joffray, Johnson, Kelly (Pondera), Kinville, Larson (Richland), Larsen (Sheridan), Loble, McCarty, Maury, Myrick, Oker, Ostby, Peden, Perrine, Pilgeram, Rasmussen, Ridle, Sandy, Scharnikow, Seidensticker, Smethurst, Stoner, Strange, Tawney, Tierney, Troy, Mr. Speaker. Total—42.

Absent and not voting: Andrus, Carlson (Gallatin), Cowley, Duffy, Gillette, Gillin, Rodgers. Total—7.

Moved by Bray, duly seconded that House Bill No. 344 be segregated from the report of the Committee of the Whole.

Moved by Spencer, duly seconded, that the motion be laid upon the table.

A roll call having been demanded by Bray, duly seconded, the motion to table carried, the vote being as follows:

Ayes: Andrew, Andrus, Arnold, Baker, Bernard, Berryman, Boorman, Brandjord, Bricker, Buchanan, Buell, Burke, Buttelman, Caplis, Carlson (Gallatin), Cavanaugh, Davis (Fergus), Dean, Dell, Denny, English, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hawley, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kinville, Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Nelson, O'Connell, Oker, Pope, Ridle, Rodgers, Roscow, Scharnikow, Seidensticker, Smith, Spencer, Stoddard, Taylor, Terrett, Wold, Zuck. Total—58.

Noes: Armstrong, Benedict, Bergstrom, Bohling, Bosley, Bray, Cady, Carlson (McCone), Clarke, Cronk, Davis (Wibaux), Elliott, Facey, Flynn, Hanson, Harris, Hoffman, Holton, Joffray, Johnson, Kenyon, Larson (Richland), Larsen (Sheridan), Myrick, Ostby, Peden, Perrine, Pilgeram, Rasmussen, Ruffcorn, Sandy, Smethurst, Stoner, Strange, Swift, Tawney, Tierney, Troy, Mr. Speaker. Total—39.

Absent and not voting: Cowley, Duffy, Gillette. Total—3.

Moved by Wold, duly seconded, that House Bill No. 197 be segregated from the report of the Committee of the Whole.

Moved by Bergstrom, duly seconded, that the motion be laid upon the table.

A roll call having been requested by Wold, duly seconded, the motion to table failed, the vote being as follows:

Ayes: Andrew, Armstrong, Benedict, Berryman, Boorman, Bricker, Buchanan, Caplis, Carlson (McCone), Cavanaugh, Davis (Fergus), Denny, Elliott, English, Facey, Goodman, Hanson, Hawley, Hoffman, Kelly (Silver Bow), Kennedy, Larson (Richland), Leavens, Lemmon, McLeod, Maury, Murphy, Mushbach, Oker, Peden, Rasmussen, Rodgers, Seidensticker, Spencer, Stoddard, Taylor, Wold. Total—37.

Noes: Andrus, Arnold, Baker, Bergstrom, Bernard, Bohling, Brandjord, Buell, Burke, Buttelman, Cady, Carlson (Gallatin), Clarke, Cronk, Davis (Wibaux), Dean, Dell, Flynn, Fulsher, Gillin, Gullidge, Hamilton, Harris, Holton, Joffray, Kinville, Larsen (Sheridan), Lease, Loble, McAfee, McCarty, McCormack, Myrick, Nelson, O'Connell, Ostby, Perrine, Pilgeram, Pope, Ridle, Roscow, Ruffcorn, Sandy, Scharnikow, Smethurst, Stoner, Strange, Swift, Tawney, Terrett, Troy, Zuck, Mr. Speaker. Total—53.

Absent and not voting: Bosley, Bray, Cowley, Duffy, Gillette, Johnson, Kelly (Pondera), Kenyon, Smith, Tierney. Total—10.

The question arising then on the motion that House Bill No. 197 be segregated, the motion failed.

The question then arose on the motion to adopt the report of the Committee of the Whole, with the exception of House Bill No. 23, which was segregated. Motion carried.

Moved by Swift, duly seconded, that House Bill No. 273 be placed on General Orders at the head of the list.

Moved by Oker, duly seconded that the motion be tabled.

Swift requested a roll call, duly seconded.

Call of the House demanded by Ruffcorn, seconded by fifteen members.

Moved by Wold, duly seconded and carried that further action under call of the House be dispensed with.

Question arising on the motion to table, it failed, the vote being as follows:

Ayes: Andrew, Armstrong, Arnold, Baker, Bernard, Burke, Caplis, Carlson (Gallatin), Cavanaugh, Davis (Fergus), Dean, Dell, Denny, English, Fulsher, Gillin, Goodman, Gullidge, Hawley, Joffray, Kelly (Silver Bow), Kennedy, Kinville, Lease, Leavens, Lemmon, Loble, McCarty, McLeod, Maury, Murphy, Mushbach, Nelson, O'Connell, Oker, Ridle, Rodgers, Roscow, Scharnikow, Seidensticker, Smith, Spencer, Stoddard, Taylor, Zuck. Total—45.

Noes: Andrus, Benedict, Bergstrom, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Buell, Buttelman, Cady, Carlson (McCone), Clarke, Cronk, Davis (Wibaux), Elliott, Facey, Flynn, Hamilton, Hanson, Harris, Hoffman, Holton, Kenyon, Larson (Richland), Larsen (Sheridan), McAfee, McCormack, Myrick, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ruffcorn, Sandy, Smethurst, Stoner, Strange, Swift, Tawney, Terrett, Tierney, Troy, Wold, Mr. Speaker. Total—50.

Absent and not voting: Cowley, Duffy, Gillette, Johnson, Kelly (Pondera), Total—5.

The question then arising on the motion to place House Bill No. 273 at the head of the list on General Orders, same carried.

Moved by Swift, duly seconded and carried that the House recess until 2:00 p. m.

#### AFTERNOON SESSION.

House resumed at 2:00 p. m.

The Committee on Printing reported as follows:

“Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bills Nos. 347, 209, 330, 379, 348, 284, 269, 236, 232, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman.”

The Committee on Engrossment reported as follows:

“Mr. Speaker:

We, your Committee on Engrossment, to whom was referred House Bills Nos. 181, 186, 263, 279, 267 and H. J. M. No. 7, beg leave to report same back correctly engrossed.

LARSON of Richland, Chairman.”

“Mr. Speaker:

We, your Committee on Engrossment, to whom was referred H. B. Nos. 219, 46, 178, 278, 253, 229 and 153, beg leave to report same back correctly engrossed.

LARSON of Richland, Chairman.”

The following communications were received from the Senate and read:

“Helena, Montana, February 18, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Mr. President this day appointed the following Senators to act with a like committee of the House in the investigation of the Toole County irrigation project—Adams, Healey and Kirton.

Very respectfully.

J. F. CONE, Secretary of the Senate.”

“Helena, Montana, February 18, 1923.

Mr. President:

I am directed by the Senate to inform your Honorable Body that the following Senate bills were this day read third time and passed, title agreed to, and are herewith transmitted to the House for concurrence:

Senate Bill No. 41, introduced by Kirton.

Senate Bill No. 26, introduced by Page.

Senate Bill No. 63, introduced by Harmon.

Senate Bill No. 120, introduced by Duncan.



Senate Bill No. 149, introduced by Mains.

Senate Bill No. 150, introduced by Committee on Banks and Banking.

Senate Bill No. 167, introduced by Oliver.

Senate Bill No. 173, introduced by Paul.

Senate Bill No. 181, introduced by Committee on Judiciary.

Senate Bill No. 189, introduced by Committee on Stockgrowing and Grazing.

Very respectfully,

J. F. CONE, Secretary of the Senate."

Moved by Loble, duly seconded and carried, that the following communications from the Senate be considered read at length and that the Journal show same.

"February 18, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Senate Bills were this day introduced, read first and second times, and referred to the following committees:

Senate Bill No. 211, introduced by Cowan: "A Bill for an Act entitled: 'An Act to amend Sections 8607, 8608, 8609 and 8610 of the Revised Codes of Montana of 1921, regulating the sales in bulk of goods, wares and merchandise, and all personal property used in the business of the vendor, and making provisions for the protection of creditors of the vendor.'" Referred to Committee on Judiciary.

Senate Bill No. 212, introduced by Mears: "A Bill for an Act entitled: 'An Act to amend Sections 4318 and 4327 of the Revised Codes of the State of Montana, 1921, relating to changing the boundaries of Chouteau, Fergus and Judith Basin counties.'" Referred to Committee on New Counties and Divisions.

Senate Bill No. 213, introduced by Speer: "A Bill for an Act entitled: 'An Act to amend Sections 1044, 1045, and 1046 of the Revised Codes of Montana, 1921, relating to rural school districts.'" Referred to Committee on Finance and Claims.

"February 18, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Standing Committees reported as follows; report adopted.

Committee on Education: Senate Bill No. 170, introduced by Watson.

Report that same do not pass, and in making such recommendation beg leave to submit that the bill contains some meritorious provisions and that your committee after having considered the proposition thoroughly, and hearing the evidence of the superintendent of the school at Boulder, recommends that the State Board of Education between this date and the time of the convening of the next regular session of the legislature, make a report as to the condition of the school at Boulder to the next regular session of the Senate with reference to the segregation of these schools and as to the advisability of the same, and as to where in the State of Montana would be a suitable and preferable location, and in addition thereto, to make a report as to the estimated cost of establishing a new institution to be maintained by the State to take care of the deaf, dumb and blind.

The reason we make this recommendation is that the deaf, dumb and blind are classed with the feeble minded. It is humiliating to the deaf, dumb and blind students, as well as to their parents, to be classed with the feeble minded, and it also, from our investigation, tends to hinder the securing of employment for the deaf, dumb and blind after they leave the institution at Boulder. There is no question but what the treatment at Boulder of the deaf, dumb and blind is absolutely of the best. The institution which houses the deaf, dumb and blind has cost the State approximately four hundred thousand dollars and we believe it would require this much money to properly establish a new school of suitable proportions and as good equipment as the school at Boulder, and we cannot find at this time the ways and means of so doing.

In addition to the foregoing statements, we believe that there are in the neighborhood of four hundred applicants to the School of Feeble Minded at Boulder who cannot be taken care of by reason of the present over-crowded con-

dition at Boulder. If the deaf, dumb and blind were removed from the Boulder school, all of the buildings now taking care of the deaf, dumb and blind could be used for the feeble minded and, even so, then there would not be room for all of the feeble minded children of the State. Hence, we make the recommendations above with the hope that the State Board of Education will furnish the next Senate sufficient information so that suitable action may be taken to properly look after the interests, welfare and treatment of the deaf, dumb and blind, as well as to properly care for and look after the welfare and training of the feeble minded children of the State of Montana." (Signed): Paul, Cowan, Mains, Leighton, Greenup and Oliver.

Committee on Fish and Game: House Bill No. 52, introduced by Bernard, recommend that same do pass.

Committee on Mines and Mining: Senate Joint Resolution No. 3, introduced by Mines and Mining Committee, recommend that same do pass.

Committee on Fish and Game: House Bill No. 141, introduced by Goodman, recommend that same do pass.

Committee on Banks and Banking: Senate Bill No. 207, introduced by Greening, recommend that same do pass.

Committee on Judiciary: Senate Bill No. 206, introduced by Duncan, recommend that same do not pass.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"February 18, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee of the Whole to whom was referred business on General File, recommend and report as follows:

That Senate Bill No. 158 be amended in Section 1, by adding after the word "bidder" in line 8, the following: "The County Commissioners shall have the right to reject any and all bids."

Also Section 2, by inserting after the word "Paper" in line 80, the words "Books of 50 complete."

Also Section 2, by striking out in line 6, the words, "Only such matter as contains two or more justifications shall be construed as rule and figure work and inserting in lieu thereof the words, "only such matter as contains three justifications if set by hand, or three slugs, if set upon linotype or other slug casting machine."

Also Section 2, by adding after line thirteen the words, "Delinquent Tax List publications shall be set as straight matter and shall not be charged for as rule and figure work."

Amend Section 3, by adding to the said section, after the word "years" in line 15, the words, "When any dispute arises between the contractor and Board of County Commissioners as to prices charged or classification of work under the contract, the claim shall be submitted to the State Examiner for correction before such claim is paid."

And when so amended, recommend same do pass.

That Senate Bill No. 26 be amended in Section 3 by striking out lines 1, 2 and 3 thereof and inserting in lieu thereof the words: "Section 3, a lien created under this act, shall take precedence over all judgments, attachments and mortgages, providing, however, that this act does not interfere with right under judgment, attachments, mortgages, now of record."

And as so amended, recommend same do pass.

That Senate Bill No. 181 do pass.

That Senate Bill No. 189 do pass.

That Senate Bill No. 66 do pass.

That Senate Bill No. 62 do pass.

That Senate Bill No. 173 do pass.

That Senate Bill No. 157 do pass.

That consideration of Senate Bill No. 186 be passed until tomorrow.

That Senate Bill No. 41 be amended in Section 6 of the printed bill by striking out in lines 29 and 30 the following words "Provided that the said commission may extend said time when in their discretion local conditions or emergencies require," and inserting said words at the end of said Section 6.

Also Section 6 of the printed bill by striking out in line 43 the period after the word "whatsoever," and inserting in lieu thereof a comma (,), and by striking out in line 43 the capital "E" in the word "except," and inserting in lieu thereof a small "c."

Amend Section 8 of printed bill by adding the following at the end thereof:

**"Provided, however, that it shall be unlawful, and a misdemeanor, punishable accordingly, for any person to hunt, shoot, kill, take or capture, or cause to be shot, killed, taken or captured, any deer within the counties of Yellowstone, Rosebud, Custer, Powder River, Carter, Richland, Roosevelt, McCone, Dawson, Stillwater, Gallatin, Teton, Phillips, Prairie, Garfield and Valley, and within all that part of Fergus County lying north of the township line between Townships Eighteen (18) and nineteen (19) and east of the Range line between Ranges Twenty-four (24) and Twenty-five (25) in said County, and within that portion of Lewis and Clark lying north of the North Fork of the Dearborn River, before October Fifteenth (15), Nineteen Hundred and Twenty-five (1925).**

Amend Section 9 of the printed bill by striking out in line 6 all of the words, "After the figures (1926) and all of lines 7, 8, 9 and all that part of line 10 reading as follows: "Not included within the boundaries of any game preserve."

Amend Section 11 by striking out in line 7, the words, "Sage Hen."

Amend Section 11, by striking out in line 10 the words, "Sage Hen."

Amend Section 12 by adding the words "Twenty per cent of the" after the word "by" in line 5.

Amend Section 11 by striking out in lines 7, 8 and 10, the words "Sage Grouse."

And as so amended, recommend same do pass.

Very respectfully,

J. F. CONE, Secretary of the Senate."

Moved by Gullidge, duly seconded and carried, that it be the sense of this House that the House recess at 5:30 to resume again at 7:00 p. m.

Moved by Gullidge, duly seconded and carried, that when the House resolves itself into a Committee of the Whole, that it be the sense of the House that when in Committee of the Whole two-thirds of the committee may call for the previous question.

The Committee on Printing reported as follows:

We, your Committee on Printing, to whom was referred House Bills Nos. 363, 371, 374, 375, 376, 315, 245, 332, 291, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman."

Moved by Kinville, duly seconded, that House Bill No. 232 be placed next to House Bill No. 273 on General Orders.

Moved by Boorman, duly seconded and carried that the motion be laid on the table.

Moved by Gullidge, duly seconded and carried, that the House resolve itself into a Committee of the Whole, under the same conditions and rules as this morning.

Bricker in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole, having had under consideration bills on General Orders, respectfully report back with the recommendation that:

H. B. No. 273, that the enacting clause be stricken out.

H. B. No. 308, be placed at the foot of the list.

H. B. No. 290, that the enacting clause be stricken out.

H. B. No. 222, action temporarily postponed.

H. B. No. 233, action temporarily postponed.

H. B. No. 190, amendment to insert enacting clause defeated.

H. B. No. 294, be amended as follows:

Section 1 line five by striking out the word "woman" and insert "women."

Line 6, section 2, by striking out "and" after the word "otherwise" and insert the word "are."



Strike out in line 7, Section 7. after the word "submitted" the word "by" and insert in lieu thereof the words "to and" after the word "it," strike out the word "to" and insert in lieu thereof the word "by."

Change the word "of" for "or" in line 23 Subdivision (a) Section 7.

Strike out the word "and" after the word "otherwise" in Subdivision b, Section 7, line 25, and insert in lieu thereof the word "are."

Insert after the word "workers" line 28, Subdivision c, Section 7, the words "and minors."

Subdivision d, Section 7, line 32, by inserting the word "such" after the word "recommend."

Section 8 by striking out the word "or" after the word "publication" in line 10 and inserting in lieu thereof the word "of."

Section 8, line 16, by striking out the word "effected" and inserting in lieu thereof the word "effective."

Section 12 by striking out in line 5 after the word "wage" the words "to be."

Section 16, line 5, by striking out the word "for" after the word "agreement" and inserting in lieu thereof the word "by."

Section 11 by striking out in line 4 the word "Court" of the words "Lewis and Clark" and insert in lieu thereof the words "the county from which complaint is received."

And when so amended, do pass.

H. B. No. 286 do pass.

BRICKER, Chairman."

On motion of Bricker, report adopted.

### THIRD READING OF HOUSE BILLS.

Moved by Gullidge, duly seconded and unanimously carried, that all bills be read by history and title only.

H. B. No. 181, by Pilgeram, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buell, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cowley, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Loble, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, O'Connell, Ostby, Peden, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—88.

Noes: None.

Absent and not voting: Andrus, Bernard, Buchanan, Duffy, Gillette, Kelly (Silver Bow), Lemmon, McAfee, Nelson, Oker, Perrine, Spencer. Total—12.

H. B. No. 186, by Stoner, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Burke, Buttelman, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cowley, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Kinville, Larsen (Sheridan), Lease, Leavens, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—85.

Noes: None.

Absent and not voting: Andrew, Andrus, Bernard, Buell, Cady, Denny, Duffy, Gillette, Kelly (Silver Bow), Larson (Richland), Lemmon, Ostby, Ruffcorn, Spencer, Stoddard. Total—15.

H. B. No. 263, by Taylor, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Burke, Buttelman, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cowley, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Elliott, English, Facey, Flynn, Fulsher, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Loble, McAfee, McCarty, McCormack, McLeod, Murphy, Mushbach, Myrick, Nelson, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smith, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—84.

Noes: Armstrong. Total—1.

Absent and not voting: Andrew, Andrus, Buell, Cady, Denny, Duffy, Gillette, Gillin, Kelly (Silver Bow), Lemmon, Maury, O'Connell, Ridle, Smethurst, Spencer. Total—15.

H. B. No. 279, by Committee on Livestock and Public Ranges, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Bohling, Boorman, Bosley, Bray, Bricker, Buchanan, Burke, Buttelman, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, English, Facey, Fulsher, Gillin, Gullidge, Hamilton, Harris, Hoffman, Holton, Johnson, Kelly (Pondera), Kennedy, Kenyon, Kinville, Lease, Leavens, Loble, McCarty, McLeod, Maury, Murphy, Mushbach, Nelson, O'Connell, Oker, Peden, Perrine, Pope, Roscow, Ruffcorn, Seidensticker, Smith, Spencer, Stoddard, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Wold. Total—67.

Noes: Brandjord, Hanson, Hawley, Larsen (Sheridan), McAfee, McCormack, Myrick, Ostby, Pilgeram, Rasmussen, Rodgers, Sandy, Scharnikow, Smethurst, Stoner, Zuck, Mr. Speaker. Total—17.

Absent and not voting: Andrew, Andrus, Bernard, Buell, Cady, Cowley, Duffy, Elliott, Flynn, Gillette, Goodman, Joffray, Kelly (Silver Bow), Larson (Richland), Lemmon, Ridle. Total—16.

H. B. No. 267, by Andrus, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Buchanan, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cowley, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Elliott, English, Facey, Flynn, Fulsher, Gillin, Gullidge, Harris, Hawley, Hoffman, Holton, Johnson, Kelly (Pondera), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Terrett, Troy, Zuck, Mr. Speaker. Total—80.

Noes: Hamilton, Hanson, Smethurst, Tawney. Total—4.

Absent and not voting: Andrew, Bernard, Bricker, Buell, Duffy, Gillette, Goodman, Joffray, Kelly (Silver Bow), Leavens, Lemmon, Loble, McAfee, Ridle, Tierney, Wold. Total—16.

H. J. M. No. 7, by Larsen of Sheridan, having been read three several times and title and history agreed to, was passed without dissenting vote.

H. B. No. 219, by Committee on Public Morals, Charities and Reforms, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrus, Baker, Benedict, Bergstrom, Berryman, Bohling, Boorman, Brandjord, Bray, Bricker, Buchanan, Buttelman, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Elliott, English, Facey, Flynn, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kenyon, Kinville,



Larsen (Sheridan), Lease, Leavens, Lemmon, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Peden, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Taylor, Tawney, Terrett, Tierney, Wold, Zuck, Mr. Speaker. Total—74.

Noes: Armstrong, Bosley, Burke, Fulsher, Gillin, Kelly (Pondera), Kennedy, McCormack, Ostby, Perrine. Total—10.

Absent and not voting: Andrew, Arnold, Bernard, Buell, Cady, Cowley, Duffy, Gillette, Kelly (Silver Bow), Larson (Richland), Loble, McAfee, McCarty, Roscow, Swift, Troy. Total—16.

H. B. No. 46, by Smith, having been read three several times and title and history agreed to, failed of passage by the following vote:

Ayes: Andrus, Benedict, Bergstrom, Boorman, Bosley, Brandjord, Bray, Buchanan, Buttelman, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Davis (Wibaux), Denny, Elliott, Facey, Goodman, Hamilton, Harris, Hoffman, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lemmon, McCarty, Myrick, Oker, Ostby, Perrine, Pilgeram, Pope, Ridle, Ruffcorn, Smith, Stoner, Taylor, Terrett, Zuck, Mr. Speaker. Total—40.

Noes: Andrew, Armstrong, Arnold, Baker, Berryman, Bohling, Burke, Caplis, Clarke, Cronk, Davis (Fergus), Dean, Dell, English, Fulsher, Gillin, Gullidge, Hanson, Hawley, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Lease, Leavens, McCormack, McLeod, Maury, Murphy, Mushbach, Nelson, O'Connell, Peden, Rasmussen, Roscow, Sandy, Spencer, Stoddard, Strange, Tawney, Tierney, Troy, Wold. Total—44.

Absent and not voting: Bernard, Bricker, Buell, Cady, Cowley, Duffy, Flynn, Gillette, Kelly (Silver Bow), Loble, McAfee, Rodgers, Scharnikow, Seidensticker, Smethurst, Swift. Total—16.

H. B. No. 178, by Myrick, Pilgeram and Bricker, having been read three several times and title and history agreed to, was passed by the following vote:

Absent and not voting: Baker, Bray, Buell, Cowley, Denny, Duffy, Gillette,

Ayes: Andrew, Andrus, Armstrong, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bricker, Buchanan, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Davis (Fergus), Davis (Wibaux), Dean, Dell, Elliott, English, Facey, Flynn, Fulsher, Gillin, Gullidge, Hamilton, Hanson, Harris, Hoffman, Holton, Joffray, Johnson, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McCarty, McCormack, McLeod, Murphy, Mushbach, Myrick, Nelson, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Sandy, Seidensticker, Smethurst, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Tierney, Troy, Wold, Mr. Speaker. Total—72.

Noes: Arnold, Benedict, Clarke, Cronk, Goodman, Kelly (Pondera), Kenyon, Maury, Rodgers, Roscow, Ruffcorn, Scharnikow, Smith, Spencer, Terrett. Total—15.

Hawley, Kelly (Silver Bow), Kennedy, McAfee, O'Connell, Zuck. Total—13.

H. B. No. 278, by Committee on Ways and Means, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Bohling, Boorman, Brandjord, Bray, Bricker, Buchanan, Buttelman, Cady, Carlson (Gallatin), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Elliott, Fulsher, Gillin, Goodman, Hamilton, Harris, Hawley, Hoffman, Holton, Johnson, Kelly (Pondera), Kenyon, Kinville, Larson (Richland), Lemmon, Loble, McAfee, McCarty, McCormack, Maury, Murphy, Mushbach, Myrick, Nelson, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Stoddard, Strange, Swift, Tawney, Terrett, Troy, Zuck, Mr. Speaker. Total—70.

Noes: Bosley, Carlson (McCone), Facey, Larsen (Sheridan), Lease, Leavens, McLeod, Smith, Spencer, Stoner, Tierney. Total—11.

Absent and not voting: Bernard, Buell, Burke, Caplis, Cowley, Duffy, English, Flynn, Gillette, Gullidge, Hanson, Joffray, Kelly (Silver Bow), Kennedy, O'Connell, Rodgers, Roscow, Taylor, Wold. Total—19.

H. B. No. 253, by Pope, having been read three several times and title and history agreed to, was passed by the following vote:



Ayes: Andrew, Andrus, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Bray, Bricker, Buchanan, Buell, Burke, Cady, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Dean, Elliott, English, Facey, Flynn, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Kinville, Larsen (Sheridan), Lease, Lemmon, Leavens, Loble, McCormack, Maury, Murphy, Mushbach, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smith, Stoddard, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—78.

Noes: Armstrong, Arnold, Brandjord, Buttelman, Cowley, Davis (Wibaux), Fulsher, Gillin, Larson (Richland), McAfee, McLeod, Myrick, Spencer, Stoner. Total—14.

Absent and not voting: Caplis, Ridle, Denny, Duffy, Gillette, Kelly (Silver Bow), McCarty, Smethurst. Total—8.

H. B. No. 229, by Committee on Agriculture, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrus, Arnold, Baker, Benedict, Bergstrom, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Buell, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cowley, Davis (Fergus), Davis (Wibaux), Dell, Denny, Elliott, English, Facey, Flynn, Fulsher, Goodman, Gullidge, Hamilton, Hanson, Harris, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Kinville, Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Tawney, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—86.

Noes: Armstrong, Burke, Dean, Hawley, Perrine. Total—5.

Absent and not voting: Andrew, Bernard, Cronk, Duffy, Gillette, Gillin, Kelly (Silver Bow), Larson (Richland), Taylor. Total—9.

H. B. No. 153, by Loble, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrus, Armstrong, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Buell, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cowley, Cronk, Davis (Wibaux), Dell, Dean, Denny, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Zuck, Mr. Speaker. Total—91.

Noes: None.

Absent and not voting: Andrew, Arnold, Burke, Davis (Fergus), Duffy, Gillette, Kelly (Silver Bow), Smethurst, Wold. Total—9.

Sub. for H. B. No. 104, by Committee on Revenue and Taxation, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Bohling, Boorman, Bosley, Bray, Bricker, Buchanan, Buell, Burke, Buttelman, Caplis, Carlson (Gallatin), Cavanaugh, Clarke, Cowley, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange,

Swift, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—90.

Noes: None.

Absent and not voting: Andrew, Bernard, Brandjord, Cady, Carlson (McCone), Duffy, Gillette, Kelly (Silver Bow), Peden, Rodgers. Total—10.

Sub. for H. B. No. 107, by Committee on Judiciary, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrus, Armstrong, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Bray, Bricker, Buchanan, Buell, Burke, Buttelman, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Wibaux), Dean, Dell, Denny, English, Flynn, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Loble, McCarty, McLeod, Maury, Murphy, Mushbach, O'Connell, Oker, Ostby, Peden, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Strange, Swift, Taylor, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—78.

Noes: Cowley, Davis (Fergus), Elliott, Fulsher, Kelly (Pondera), Kennedy, McAfee, McCormack, Myrick, Nelson, Perrine, Stoner. Total—12.

Absent and not voting: Andrew, Arnold, Brandjord, Cady, Duffy, Facey, Gillette, Kelly (Silver Bow), Lemmon, Tawney. Total—10.

Sub. for H. B. No. 257, by Committee on Highways, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bray, Bricker, Buchanan, Buell, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Elliott, English, Facey, Flynn, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kennedy, Kenyon, Kinville, Larsen (Sheridan), Lease, Leavens, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Tawney, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—87.

Noes: Bosley, Kelly (Pondera), O'Connell. Total—3.

Absent and not voting: Brandjord, Cowley, Duffy, Fulsher, Gillette, Kelly (Silver Bow), Larson (Richland), Lemmon, Smethurst, Taylor. Total—10.

H. B. No. 354, by Committee on Highways, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrus, Armstrong, Arnold, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bray, Bricker, Buchanan, Buell, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Elliott, English, Facey, Flynn, Goodman, Gullidge, Hanson, Harris, Hoffman, Holton, Johnson, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Loble, McAfee, McCormack, McLeod, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—76.

Noes: Andrew, Bosley, Hamilton, Hawley, Kelly (Pondera), McCarty, Maury, Rasmussen, Ridle, Rodgers, Roscow, Terrett. Total—12.

Absent and not voting: Baker, Brandjord, Cowley, Duffy, Fulsher, Gillette, Gillin, Joffray, Kelly (Silver Bow), Kennedy, Lemmon, Pope. Total—12.

H. B. No. 162, by Troy, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bricker, Buchanan, Buell, Burke, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Elliott, English, Facey, Flynn, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Johnson, Kelly (Pondera), Kennedy, Kenyon, Kinville, Larson (Richland), Lemmon, Larson (Sheridan), Lease, Leavens, Loble, McAfee, McCarty, Mc-

Cormack, McLeod, Maury, Murphy, Mushbach, Myrick, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Scharnikow, Spencer, Seidensticker, Stoddard, Stoner, Strange, Swift, Taylor, Terrett, Tierney, Troy, Zuck, Mr. Speaker. Total—80.

Noes: Armstrong, Buttelman, O'Connell, Sandy, Smethurst. Total—5.

Absent and not voting: Arnold, Bray, Cowley, Duffy, Fulsher, Gilllette, Gillin, Joffray, Kelly (Silver Bow), Nelson, Roseow, Ruffcorn, Smith, Tawney, Wold. Total—15.

The Committee on Engrossment reported as follows:

"Mr. Speaker:

We, your Committee on Engrossment, to whom was referred H. B. Nos. 197, 286, and 296, beg leave to report same back correctly engrossed.

LARSON of Richland, Chairman."

"Mr. Speaker:

We, your Committee on Engrossment, to whom was referred H. B. Nos. 198, 352, 280, 301, 135, 283, 188, 281, 243, and 216, beg leave to report same back correctly engrossed.

LARSON of Richland, Chairman."

"Mr. Speaker:

We, your Committee on Engrossment, to whom was referred H. B. Nos. 255, 272, 303, 317 and Sub. for H. B. 129, beg leave to report same back correctly engrossed.

LARSON of Richland, Chairman."

"Mr. Speaker:

We, your Committee on Engrossment, to whom was referred H. B. Nos. 195, 335, 354, 162, 285, 168, 304 and 249, beg leave to report same back correctly engrossed.

LARSON of Richland, Chairman."

"Mr. Speaker:

We, your Committee on Engrossment, to whom was referred Sub. H. B. No. 104, 107, 257, beg leave to report same back correctly engrossed.

LARSON of Richland, Chairman."

Moved by Gullidge, duly seconded and carried, that the House recess until 7:00 p. m.

#### EVENING SESSION.

House resumed at 7:00 p. m.

Mr. Speaker in the chair.

#### THIRD READING OF HOUSE BILLS.

Sub. for H. B. No. 129, by Bosley, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Arnold, Baker, Benedict, Bergstrom, Bosley, Bricker, Caplis, Clarke, Cronk, Davis (Wibaux), Dean, Dell, Denny, English, Fulsher, Goodman, Gullidge, Hamilton, Harris, Hoffman, Holton, Joffray, Kennedy, Kenyon, Kinville, Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Murphy, Mushbach, Myrick, O'Connell, Ostby, Pilgeram, Rasmussen, Ridle, Roseow, Ruffcorn, Scharnikow, Smith, Stoddard, Stoner, Strange, Swift, Taylor, Terrett, Tierney, Troy, Mr. Speaker. Total—55.

Noes: Armstrong, Bray. Total—2.

Absent and not voting: Andrus, Bernard, Berryman, Bohling, Boorman, Brandjord, Buchanan, Buell, Burke, Buttelman, Cady, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Cowley, Davis (Fergus), Duffy, Elliott, Facey, Flynn, Gillette, Gillin, Hanson, Hawley, Johnson, Kelly (Pondera), Kelly (Silver Bow), Larson (Richland), Larsen (Sheridan), Maury, Nelson, Oker, Peden, Perrine, Pope, Rodgers, Sandy, Seidensticker, Smethurst, Spencer, Tawney, Wold, Zuck. Total—43.



H. B. No. 195, by McCormack, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Arnold, Baker, Benedict, Bergstrom, Berryman, Boorman, Bosley, Bray, Bricker, Cady, Caplis, Carlson (Gallatin), Clarke, Cronk, Davis (Wibaux), Dean, Dell, Denny, English, Flynn, Gillin, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Kenyon, Kinville, Larson (Richland), Lease, Leavens, Lemmon, Loble, McAfee, McCormack, McLeod, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Ruffcorn, Seidensticker, Smith, Stoddard, Stoner, Strange, Taylor, Tierney, Troy, Wold, Mr. Speaker. Total—62.

Noes: Armstrong, Burke, Fulsher, Goodman, Hamilton, Kennedy, McCarty, Roscow, Scharnikow, Smethurst, Terrett. Total—11.

Absent and not voting: Andrus, Bernard, Bohling, Brandjord, Buchanan, Buell, Buttelman, Carlson (McCone), Cavanaugh, Cowley, Davis (Fergus), Duffy, Elliott, Facey, Gillette, Gullidge, Johnson, Kelly (Pondera), Kelly (Silver Bow), Larsen (Sheridan), Maury, Murphy, Sandy, Spencer, Swift, Tawney, Zuck. Total—27.

H. B. No. 335, by Troy, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Boorman, Bosley, Bray, Bricker, Buchanan, Burke, Cady, Caplis, Cavanaugh, Clarke, Cronk, Davis (Wibaux), Dean, Dell, Elliott, English, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Kennedy, Kenyon, Kinville, Larson (Richland), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Murphy, Mushbach, Myrick, Nelson, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Scharnikow, Seidensticker, Smethurst, Smith, Stoddard, Stoner, Strange, Swift, Taylor, Terrett, Tierney, Troy, Wold, Mr. Speaker. Total—76.

Noes: O'Connell. Total—1.

Absent and not voting: Bernard, Bohling, Brandjord, Buell, Buttelman, Carlson (Gallatin), Carlson (McCone), Cowley, Davis (Fergus), Denny, Duffy, Facey, Gillette, Hamilton, Johnson, Kelly (Pondera), Kelly (Silver Bow), Larsen (Sheridan), Maury, Sandy, Spencer, Tawney, Zuck. Total—23.

H. B. No. 285, by Gullidge, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Arnold, Baker, Benedict, Berryman, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Wibaux), Dean, Dell, Elliott, English, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Kennedy, Kenyon, Kinville, Larson (Richland), Lease, Leavens, Lemmon, Loble, McCormack, McLeod, Murphy, Mushbach, Myrick, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Scharnikow, Seidensticker, Smith, Strange, Swift, Taylor, Terrett, Tierney, Troy, Wold, Mr. Speaker. Total—71.

Noes: Armstrong, Burke, McAfee, O'Connell, Stoddard, Stoner. Total—6.

Absent and not voting: Bergstrom, Bernard, Bohling, Buell, Cowley, Davis (Fergus), Denny, Duffy, Facey, Gillette, Hamilton, Johnson, Kelly (Pondera), Kelly (Silver Bow), Larsen (Sheridan), McCarty, Maury, Nelson, Sandy, Smethurst, Spencer, Tawney, Zuck. Total—23.

H. B. No. 168, by Burke, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Benedict, Bergstrom, Berryman, Boorman, Brandjord, Bray, Buchanan, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Cronk, Davis (Wibaux), Dean, Dell, Denny, Elliott, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Scharnikow, Seidensticker, Smith, Stoddard, Stoner, Strange, Swift, Taylor, Tierney, Troy, Mr. Speaker. Total—73.

Noes: Baker, Bosley, Clarke, English, Kelly (Pondera), Nelson, Smethurst. Total—7.

Absent and not voting: Bernard, Bohling, Bricker, Buell, Cowley, Davis (Fergus), Duffy, Facey, Gillette, Hamilton, Johnson, Kelly (Silver Bow), Kennedy, Sandy, Spencer, Tawney, Terrett, Wold, Zuck. Total—19.

H. B. No. 304, by Gullidge and Spencer, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Boorman, Brandjord, Bray, Buchanan, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clark, Cronk, Davis (Wibaux), Dean, Dell, Elliott, English, Flynn, Fulsher, Gillin, Gullidge, Hanson, Hoffman, Holton, Kelly (Pondera), Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McCarty, McCormack, Maury, Murphy, Mushbach, Myrick, Nelson, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Scharnikow, Seidensticker, Smith, Stoddard, Stoner, Strange, Swift, Terrett, Tierney, Troy, Wold, Mr. Speaker. Total—72.

Noes: Bosley, Hawley, Joffray, Kennedy, McAfee, McLeod, O'Connell, Smethurst, Taylor. Total—9.

Absent and not voting: Bernard, Bohling, Bricker, Buell, Cowley, Davis (Fergus), Denny, Duffy, Facey, Gillette, Goodman, Hamilton, Harris, Johnson, Kelly (Silver Bow), Sandy, Spencer, Tawney, Zuck. Total—19.

H. B. No. 249, by Nelson, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Boorman, Bosley, Brandjord, Bray, Buchanan, Burke, Buttelman, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Wibaux), Dean, Dell, Denny, Elliott, English, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Kinville, Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Seidensticker, Smethurst, Smith, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—85.

Noes: Larson (Richland). Total—1.

Absent and not voting: Bernard, Bohling, Bricker, Buell, Cady, Cowley, Davis (Fergus), Duffy, Facey, Gillette, Kelly (Silver Bow), Sandy, Scharnikow, Spencer. Total—14.

H. B. No. 255, by Pilgeram, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Elliott, English, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Seidensticker, Smethurst, Smith, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Mr. Speaker. Total—84.

Noes: None.

Absent and not voting: Bernard, Berryman, Bohling, Buell, Carlson (McCone), Cowley, Duffy, Facey, Gillette, Kelly (Silver Bow), McCarty, Perrine, Sandy, Scharnikow, Spencer, Zuck. Total—16.

H. B. No. 272, by Larson (of Sheridan), having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Baker, Benedict, Berryman, Boorman, Bosley, Brandjord, Bray, Buttelman, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Davis (Wibaux), Dean, Dell, Denny, Elliott, English, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hoffman, Holton,



Joffray, Kennedy, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Lemmon, McAfee, McCarty, McCormack, Maury, Mushbach, Myrick, Nelson, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Roscow, Ruffcorn, Smethurst, Smith, Stoddard, Stoner, Strange, Swift, Tawney, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—67.

Noes: Armstrong, Arnold, Bergstrom, Buchanan, Burke, Cady, Cronk, Davis (Fergus), Hawley, Johnson, Kelly (Pondera), Kenyon, Leavens, McLeod, Murphy, O'Connell, Rodgers, Seidensticker, Taylor, Terrett. Total—20.

Absent and not voting: Bernard, Bohling, Bricker, Buell, Cowley, Duffy, Facey, Gillette, Kelly (Silver Bow), Loble, Sandy, Scharnikow, Spencer. Total—13.

H. B. No. 303, by Bricker, Kenyon and Scharnikow, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Boorman, Brandjord, Bray, Bricker, Buchanan, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Elliott, English, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kennedy, Kenyon, Kinville, Larsen (Sheridan), Lease, Leavens, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Scharnikow, Seidensticker, Smethurst, Smith, Stoddard, Stoner, Strange, Swift, Tierney, Tawney, Terrett, Troy, Wold, Zuck. Total—83.

Noes: Bosley. Total—1.

Absent and not voting: Bernard, Bohling, Buell, Cowley, Duffy, Facey, Gillette, Kelly (Pondera), Kelly (Silver Bow), Larson (Richland), Lemmon, Myrick, Sandy, Spencer, Taylor, Mr. Speaker. Total—16.

H. B. No. 317, by Troy, having been read three several times and title and history was agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Elliott, English, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Kelly (Pondera), Kennedy, Kenyon, Kinville, Larsen (Sheridan), Lease, Leavens, Lemmon, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Peden, Perrine, Pilgeram, Pope, Ridle, Rodgers, Roscow, Ruffcorn, Scharnikow, Seidensticker, Smethurst, Smith, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—85.

Noes: Rasmussen. Total—1.

Absent and not voting: Bernard, Bohling, Buell, Cowley, Duffy, Facey, Gillette, Johnson, Kelly (Silver Bow), Larson (Richland), Loble, Ostby, Sandy, Spencer. Total—14.

H. B. No. 198, by Hoffman, having been read three several times, and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Buttelman, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Elliott, English, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Kinville, Larsen (Sheridan), Lease, Leavens, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Ridle, Roscow, Ruffcorn, Scharnikow, Seidensticker, Smethurst, Smith, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—85.

Noes: None.

Absent and not voting: Bernard, Bohling, Buell, Burke, Cady, Cowley, Duffy, Facey, Gillette, Kelly (Silver Bow), Larson (Richland), Lemmon, Rodgers, Sandy, Spencer. Total—15.



H. B. No. 353, by Committee on Highways, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Bohling, Boorman, Brandjord, Bray, Bricker, Buchanan, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Cavanaugh, Clarke, Cronk, Davis (Wibaux), Dean, Dell, Denny, Elliott, English, Flynn, Fulsher, Gillin, Goodman, Gullidge, Facey, Hamilton, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Scharnikow, Seidensticker, Smethurst, Stoner, Smith, Strange, Swift, Taylor, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—86.

Noes: Bosley, Carlson (McCone), Tawney. Total—3.

Absent and not voting: Bernard, Buell, Cowley, Davis (Fergus), Duffy, Gillette, Hanson, Kelly (Silver Bow), Sandy, Spencer, Stoddard. Total—11.

H. B. No. 280, by Committee on Livestock and Public Ranges, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Bray, Bricker, Buchanan, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Flynn, Goodman, Gullidge, Harris, Hoffman, Holton, Joffray, Kennedy, Kenyon, Kinville, Lease, Leavens, Lemmon, Loble, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, Oker, Peden, Perrine, Pope, Rodgers, Roscow, Ruffcorn, Seidensticker, Smethurst, Smith, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Zuck. Total—66.

Noes: Brandjord, Dell, Elliott, English, Facey, Fulsher, Gillin, Hamilton, Hanson, Hawley, Johnson, Kelly (Pondera), Larsen (Sheridan), McAfee, Pilgeram, Rasmussen, Scharnikow, Stoner, Mr. Speaker. Total—18.

Absent and not voting: Buell, Cowley, Denny, Duffy, Gillette, Kelly (Silver Bow), Larson (Richland), McCarty, O'Connell, Ostby, Ridle, Sandy, Spencer, Stoddard, Strange. Total—15.

H. B. No. 301, by Smith, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bricker, Buchanan, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hanson, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Scharnikow, Seidensticker, Smethurst, Smith, Stoner, Strange, Swift, Taylor, Tawney, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—85.

Noes: Armstrong, Burke. Total—2.

Absent and not voting: Bray, Buell, Cowley, Duffy, Gillette, Hamilton, Harris, Kelly (Silver Bow), McCarty, Sandy, Spencer, Stoddard, Terrett. Total—13.

H. B. No. 135, by Buchanan and Berryman, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bricker, Buchanan, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hoffman, Holton, Joffray, Kelly (Pondera), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Scharnikow, Seidensticker, Smethurst, Stoner,

Swift, Tawney, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—85.

Noes: Andrew, Hawley, Johnson, Taylor. Total—4.

Absent and not voting: Bray, Buell, Cowley, Duffy, Gillette, Kelly (Silver Bow), Sandy, Smith, Spencer, Stoddard, Strange. Total—11.

H. B. No. 283, by Committee on Livestock and Public Ranges, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bricker, Buchanan, Buttelman, Caplis, Carlson (McCone), Clarke, Cronk, Davis (Wibaux), Dean, Dell, Denny, Elliott, Facey, Flynn, Fulsher, Gillin, Gullidge, Hamilton, Hanson, Hoffman, Holton, Joffray, Johnson, Kennedy, Kenyon, Kinville, Larson (Richland), Lease, Leavens, Lemmon, McCarty, McCormack, McLeod, Maury, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Rasmussen, Roscow, Ruffcorn, Scharnikow, Seidensticker, Smethurst, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Zuck. Total—70.

Noes: Burke, Carlson (Gallatin), Goodman, Hawley, Kelly (Pondera), Loble, McAfee, Pilgeram, Ridle, Mr. Speaker. Total—10.

Absent and not voting: Andrus, Bray, Buell, Cady, Cavanaugh, Cowley, Davis (Fergus), Duffy, English, Gillette, Harris, Kelly (Silver Bow), Larsen (Sheridan), Murphy, Pope, Rodgers, Sandy, Smith, Spencer, Stoddard. Total—20.

With unanimous consent reverted to:

#### CONSIDERATION OF GENERAL ORDERS.

Moved by Gullidge, duly seconded and carried, that the House resolve itself into a Committee of the Whole for the consideration of General Orders under the same restrictions as imposed this afternoon.

Scharnikow in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

“Mr. Speaker:

We, your Committee of the Whole, having had under consideration bills on General Orders, respectfully report back with the recommendation that:

H. B. No. 306, do pass.

H. B. No. 30, that the enacting clause be stricken out.

H. B. No. 262, do pass.

Sub. H. B. No. 250, that action be temporarily postponed.

Sub. H. B. No. 218, do pass.

H. B. No. 251, do pass.

H. B. No. 314, be amended as follows:

The title by striking out beginning in line six the following; Providing for a quarterly report thereof to the State Board of Railroad Commissioners.

Section 2, by adding at the end of line 10 the following: This Act shall apply only to grain shipments.

Section 3, by striking out all of the section and numbering Section 3, Section 2, and Section 3, Section 4.

And when so amended, do pass.

H. B. No. 183, do pass.

H. B. No. 289, that the enacting clause be stricken out.

H. B. No. 292, that the enacting clause be stricken out.

H. B. No. 154, do pass.

H. B. No. 193, be amended as follows:

Section 1, by adding thereto the following: Provided further that nothing in this Act shall be construed to prevent a servant or employee from maintaining an action for injuries against any person or corporation who shall not be a party to the contract of employment, but whose negligence shall have been the proximate cause of such injuries; on the contrary if a servant or employee be injured or killed through the negligence of a stranger to the contract

of Employment, he or his dependents shall have a remedy against such stranger, notwithstanding the acceptance of benefits under this Act.

Section 2, by adding at the end thereof the following: "persons who have become incapacitated, either temporarily or permanently, from the effect of gas in mines shall be deemed to have been injured within the meaning of this chapter and shall be entitled to compensation accordingly.

And when so amended, do pass.

H. B. No. 327, do pass.

H. B. No. 324, do pass.

SCARNIKOW, Chairman."

On motion of Scharnikow, report adopted.

Moved by Gullidge, duly seconded and carried, that Substitute for House Bill No. 138 be advanced on the calendar.

Moved by Gullidge, duly seconded and carried, that House Bill No. 68 be advanced on the calendar.

Moved by Carlson, duly seconded and carried, that House Bill No. 199 be advanced on the calendar.

Moved by Scharnikow, duly seconded and carried, that no further advancement be made except on revenue measure.

Moved by Gullidge, duly seconded and carried, that the House resolve itself into a Committee of the Whole to resume consideration of General Orders.

Scharnikow in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole, having had under consideration bills on General Orders, respectfully report back with the recommendation that:

H. B. No. 138, be amended as follows:

Section 1-6014a, by striking out in line 10 of paragraph 2, figure 9 and inserting in lieu thereof the words 6048 Revised Codes of 1921.

Section 1-6014a sub. Section 9 (paragraph 9) by inserting in line 31 after the word "be" the word "so."

Section 2, by striking out in line 11 the word "extensions" and inserting in lieu thereof the words "increases" and insert the word "incorporated" before the word "bank" in line 4 of printed bill.

Section 3-6062, by striking out in line 16 the number 50 and inserting in lieu thereof the words 6087 Revised Codes of 1921.

Section 4-6081, by striking out in line 5 the word "section" and inserting in lieu thereof the words "sub Section 10 of Section 1."

Section 5, by inserting a new sub section after sub section 6109L to be designated as such section 6109M and to read as follows: Section 6109M. When any bank shall for any reason become suspended and be taken in charge by the superintendent of banks or his deputy or liquidating agent pursuant to law and with a view to reinstating it to solvency, a reorganization plan and articles of agreement shall be executed in writing by deposit creditors thereof representing eighty per centum (80%) of the number and amount of the deposits of such bank, all other depositors shall be held to be subject to such agreement and all and every of the terms thereof to the same extent and with like effect as if they had joined in the execution thereof, and their claim shall be treated in all respects as if they had joined in the execution of the articles of reorganization in event of restoring same to solvency and reopening it for business."

Section 6109i by striking out in line 121 the word "sureties" and inserting in lieu thereof the words "securities."

And when so amended, do pass.

H. B. No. 68, that action on the bill be indefinitely postponed.

H. B. No. 375, do pass.

SCHARNIKOW, Chairman."



Moved by Cady, duly seconded, that report be adopted.

Moved by Smethurst, duly seconded, that House Bill No. 68 be segregated from the report.

Moved by Brandjord, duly seconded, that the motion be laid on the table.

Roll call having been demanded by Smethurst, duly seconded, the motion to table carried, the vote being as follows:

Ayes: Andrus, Armstrong, Arnold, Baker, Berryman, Bohling, Boorman, Brandjord, Bricker, Buchanan, Burke, Buttelman, Cronk, Davis (Fergus), Dean, Denny, Elliott, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Johnson, Kennedy, Kenyon, Larson (Richland), Lease, Leavens, McLeod, Myrick, Nelson, Oker, Peden, Perrine, Rasmussen, Ruffcorn, Seidensticker, Taylor, Wold, Mr. Speaker. Total—44.

Noes: Andrew, Benedict, Bergstrom, Bosley, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Davis (Wibaux), Dell, Facey, Flynn, Joffray, Kelly (Pondera), Kinville, Larsen (Sheridan), Lemmon, Loble, McAfee, McCarty, McCormack, Maury, Murphy, Mushbach, O'Connell, Ostby, Pilgeram, Pope, Ridle, Rodgers, Roscow, Sandy, Scharnikow, Smethurst, Stoner, Swift, Tawney, Terrett, Tierney, Troy. Total—42.

Absent and not voting: Bernard, Bray, Buell, Cowley, Duffy, English, Gillette, Holton, Kelly (Silver Bow), Smith, Spencer, Stoddard, Strange, Zuck. Total—14.

Question arising on original motion to adopt Committee of the Whole report, same carried.

With unanimous consent House reverted to:

### THIRD READING OF HOUSE BILLS.

Moved by Scharnikow, duly seconded and unanimously carried that the Journal show that all bills were read at length.

H. B. No. 188, by Fulsher, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bricker, Buchanan, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Wibaux), Dean, Dell, Denny, Elliott, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Kinville, Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, Oker, Ostby, Peden, Perrine, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Mr. Speaker. Total—84.

Noes: None.

Absent and not voting: Bray, Buell, Cowley, Davis (Fergus), Duffy, English, Gillette, Kelly (Silver Bow), Larson (Richland), McCarty, O'Connell, Pilgeram, Smith, Spencer, Stoddard, Zuck. Total—16.

H. B. No. 281, by Committee on Livestock and Public Ranges, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Bohling, Boorman, Bosley, Bricker, Buchanan, Burke, Buttelman, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Facey, Flynn, Fulsher, Goodman, Gullidge, Hamilton, Hanson, Harris, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Kinville, Larsen (Sheridan), Lease, Leavens, Lemmon, McAfee, McCormack, McLeod, Maury, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Seidensticker, Smethurst, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Wold. Total—74.

Noes: Brandjord, English, Gillin, Pilgeram, Scharnikow, Stoner, Mr. Speaker. Total—7.

Absent and not voting. Bernard, Bray, Buell, Cady, Cowley, Duffy, Elliott, Gillette, Hawley, Kelly (Silver Bow), Larson (Richland), Loble, McCarty, Murphy, Pope, Smith, Spencer, Stoddard, Zuck. Total—19.

H. B. No. 243, by Carlson of McCone, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Arnold, Baker, Benedict, Bergstrom, Bernard, Bohling, Boorman, Bosley, Brandjord, Bricker, Buchanan, Burke, Buttelman, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Elliott, English, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Joffray, Johnson Kelly, (Pondera), Kennedy, Kenyon, Kinville, Larsen (Sheridan), Lease, Leavens, Lemmon, McAfee, McCarty, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Smethurst, Ruffcorn, Sandy, Seidensticker, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Mr. Speaker. Total—80.

Noes: Armstrong, Berryman, Holton, McCormack, Scharnikow. Total—5.

Absent and not voting: Bray, Buell, Cady, Cowley, Duffy, Facey, Gillette, Kelly (Silver Bow), Larson (Richland), Loble, McLeod, Smith, Spencer, Stoddard, Zuck. Total—15.

Moved by Swift, duly seconded and carried, that House Bill No. 216 be laid upon the table.

H. B. No. 296, by Caplis, Andrus, Kelly of Silver Bow, Kinville and McLeod, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bricker, Buchanan, Burke, Buttelman, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Johnson, Kelly (Pondera), Kennedy, Kenyon, Kinville, Larsen (Sheridan), Lease, Leavens, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, O'Connell, Oker, Ostby, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Stoner, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—83.

Noes: Nelson. Total—1.

Absent and not voting: Bray, Buell, Cady, Cowley, Duffy, Gillette, Joffray, Kelly (Silver Bow), Larson (Richland), Lemmon, Loble, Peden, Smith, Spencer, Stoddard, Strange. Total—16.

Moved by Wold, duly seconded, that H. B. No. 197 be laid upon the table.

A roll call having been requested by Flynn duly seconded, the motion to table carried, the vote being as follows:

Ayes: Armstrong, Benedict, Berryman, Bosley, Bricker, Buchanan, Buttelman, Caplis, Carlson (McCone), Cavanaugh, Cronk, Dell, Denny, Elliott, Facey, Gillin, Harris, Hoffman, Leavens, Lemmon, McLeod, Maury, Murphy, Mushbach, O'Connell, Oker, Ostby, Peden, Pope, Rasmussen, Rodgers, Seidensticker, Smethurst, Stoner, Taylor, Tawney, Terrett, Tierney, Troy, Wold. Total—40.

Noes: Andrew, Andrus, Baker, Bergstrom, Bernard, Bohling, Boorman, Burke, Cady, Clarke, Davis (Fergus), Davis (Wibaux), Dean, English, Flynn, Fulsher, Goodman, Gullidge, Hamilton, Hanson, Holton, Joffray, Johnson, Kelly (Pondera), Kenyon, Kinville, Larsen (Sheridan), Lease, McAfee, McCarty, McCormack, Myrick, Nelson, Perrine, Pilgeram, Ridle, Roscow, Ruffcorn, Sandy, Swift, Mr. Speaker. Total—41.

Absent and not voting: Brandjord, Bray, Buell, Carlson (Gallatin), Cowley, Duffy, Gillette, Kelly (Silver Bow), Kennedy, Larson (Richland), Loble, Scharnikow, Stoddard, Strange, Zuck. Total—15.

Paired: Spencer and Arnold; Smith and Hawley. Total—4.

H. B. No. 286, by Stoddard, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bricker, Buchanan, Burke, Cady, Caplis, Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Wibaux), Dean, Dell,



Denny, Elliott, English, Facey, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Johnson, Kelly (Pondera), Kennedy, Kinville, Larsen (Sheridan), Lease, Leavens, Lemmon, McAfee, McCarty, McCormack, McLeod, Murphy, Mushbach, Myrick, Nelson, Oker, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Seidensticker, Smethurst, Stoner, Swift, Taylor, Tawney, Terrett, Troy, Wold, Mr. Speaker. Total—74.

Noes: Bosley, Brandjord. Total—2.

Absent and not voting: Bray, Buell, Buttelman, Carlson (Gallatin), Cowley, Davis (Fergus), Duffy, Flynn, Gillette, Joffray, Kelly (Silver Bow), Kenyon, Larson (Richland), Loble, Maury, O'Connell, Ostby, Scharnikow, Smith, Spencer, Stoddard, Strange, Tierney, Zuck. Total—24.

H. B. No. 294, by Duffy, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Armstrong, Baker, Benedict, Bergstrom, Bernard, Berryman, Boorman, Bosley, Brandjord, Bricker, Buchanan, Buttelman, Cady, Caplis, Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Elliott, English, Facey, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Kelly (Pondera), Kennedy, Kenyon, Kinville, Larsen (Sheridan), Lease, Leavens, Loble, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Pilgeram, Pope, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Seidensticker, Smethurst, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Troy, Wold, Mr. Speaker. Total—74.

Noes: Burke, McAfee, Perrine. Total—3.

Absent and not voting: Andrus, Arnold, Bohling, Bray, Buell, Carlson (Gallatin), Cowley, Duffy, Flynn, Fulsher, Gillette, Gillin, Johnson, Kelly (Silver Bow), Larson (Richland), Lemmon, Rasmussen, Scharnikow, Smith, Spencer, Stoddard, Tierney, Zuck. Total—23.

H. B. No. 306, by Oker, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Boorman, Bosley, Bricker, Buchanan, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Elliott, English, Facey, Fulsher, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Kinville, Larsen (Sheridan), Lease, Lemmon, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Roscow, Ruffcorn, Seidensticker, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Mr. Speaker. Total—76.

Noes: Smethurst. Total—1.

Absent and not voting: Andrew, Andrus, Bernard, Bohling, Brandjord, Bray, Buell, Cowley, Duffy, Flynn, Gillette, Gillin, Kelly (Silver Bow), Larson (Richland), Leavens, Loble, Rodgers, Sandy, Scharnikow, Smith, Spencer, Stoddard, Zuck. Total—23.

H. B. No. 262, by Pope, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Boorman, Brandjord, Bricker, Buchanan, Buttelman, Cady, Caplis, Carlson (Gallatin), Cavanaugh, Clarke, Cronk, Dean, Dell, Denny, Elliott, English, Facey, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kennedy, Kenyon, Kinville, Larson (Sheridan), Lease, Lemmon, McAfee, McCarty, McCormack, McLeod, Murphy, Mushbach, Myrick, Oker, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Ruffcorn, Sandy, Seidensticker, Smethurst, Stoner, Strange, Swift, Taylor, Tawney, Troy, Wold, Mr. Speaker. Total—66.

Noes: Armstrong, Burke, Davis (Fergus), Fulsher, Kelly (Pondera), O'Connell, Roscow, Terrett. Total—8.

Absent and not voting: Andrew, Andrus, Bohling, Bosley, Bray, Buell, Carlson (McCone), Cowley, Davis (Wibaux), Duffy, Flynn, Gillette, Kelly (Silver Bow), Kenyon, Kinville, Larson (Richland), Lemmon, Rasmussen, Scharnikow, Smith, Spencer, Stoddard, Tierney, Zuck. Total—23.



ver Bow), Larson (Richland), Leavens, Loble, Maury, Nelson, Ostby, Rodgers, Scharnikow, Smith, Spencer, Stoddard, Tierney, Zuck. Total—26.

H. B. No. 218, by Committee on Education, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Armstrong, Arnold, Baker, Benedict, Bernard, Bohling, Boorman, Bosley, Brandjord, Bricker, Buchanan, Buttelman, Carlson (McCone), Cavanaugh, Clarke, Davis (Fergus), Dean, Dell, Elliott, Facey, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Harris, Hawley, Hoffman, Holton, Johnson, Kennedy, Larsen (Sheridan), Lease, Leavens, Lemmon, McAfee, McCarty, McCormack, McLeod, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Pope, Rasmussen, Ruffcorn, Seidensticker, Smethurst, Stoner, Swift, Mr. Speaker, Taylor, Tawney, Terrett, Wold. Total—59.

Noes: Andrew, Burke, Cady, Caplis, Cronk, Denny, Joffray, Kelly (Pondera), Kenyon, Kinville, Maury, Perrine, Pilgeram, Ridle, Roscow, Sandy, Tierney, Troy, English. Total—19.

Absent and not voting: Andrus, Bergstrom, Bray, Buell, Carlson (Gallatin), Cowley, Davis (Wibaux), Duffy, Flynn, Gillette, Hanson, Kelly (Silver Bow), Larson (Richland), Loble, Rodgers, Scharnikow, Smith, Spencer, Stoddard, Strange, Zuck. Total—22.

H. B. No. 251, by Stoner, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Baker, Benedict, Bergstrom, Bernard, Boorman, Bosley, Brandjord, Bricker, Buchanan, Cady, Caplis, Carlson (McCone), Cavanaugh, Clarke, Davis (Fergus), Davis (Wibaux), Dell, English, Facey, Fulsher, Gillin, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kinville, Larsen (Sheridan), Leavens, Lemmon, McAfee, McCarty, McCormack, McLeod, Murphy, Mushbach, Myrick, Nelson, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Ruffcorn, Sandy, Seidensticker, Smethurst, Stoner, Strange, Swift, Taylor, Tawney, Terrétt, Troy, Wold, Mr. Speaker. Total—64.

Noes: Armstrong, Arnold, Berryman, Bohling, Burke, Buttelman, Carlson (Gallatin), Cronk, Dean, Goodman, Kenyon, Lease, Maury, O'Connell, Rasmussen, Ridle, Rodgers, Roscow. Total—19.

Absent and not voting: Andrus, Bray, Buell, Cowley, Duffy, Elliott, Flynn, Gillette, Kelly (Silver Bow), Larson (Richland), Loble, Scharnikow, Smith, Spencer, Stoddard, Tierney, Zuck. Total—17.

H. B. No. 183, by Caplis, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bricker, Buchanan, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dell, Denny, Elliott, English, Facey, Fulsher, Gillin, Goodman, Hamilton, Harris, Hawley, Hoffman, Holton, Johnson, Kelly (Pondera), Kennedy, Kenyon, Kinville, Lease, Leavens, Lemmon, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Nelson, O'Connell, Ostby, Peden, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Seidensticker, Smethurst, Spencer, Stoddard, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—79.

Noes: Burke. Total—1.

Absent and not voting: Bray, Buell, Cowley, Dean, Duffy, Flynn, Gillette, Gullidge, Hanson, Joffray, Kelly (Silver Bow), Larson (Richland), Larsen (Sheridan), Loble, Myrick, Oker, Perrine, Scharnikow, Smith, Stoner. Total—20.

H. B. No. 154, by Fulsher, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Boorman, Brandjord, Bricker, Buchanan, Buttelman, Cady, Caplis, Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kenyon, Kinville, Larsen (Sheridan), Lease, Leavens, Lemmon, McAfee, McCarty, McLeod, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker,

Ostby, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Terrett, Tierney, Troy, Wold, Mr. Speaker. Total—77.

Noes: Berryman, Bosley, Burke, Zuck. Total—4.

Absent and not voting: Bohling, Bray, Buell, Carlson (Gallatin), Cowley, Duffy, Gillette, Hanson, Kelly (Silver Bow), Kennedy, Larsen (Richland), Loble, McCormack, Maury, Peden, Rodgers, Smethurst, Smith, Tawney. Total—19.

Terrett requests permission to have the Journal show that he voted no on the motion to table House Bill No. 197. There being objection it was moved by Smethurst, duly seconded that the Journal so show. Motion failed.

Moved by Cady, duly seconded and carried that he be recorded as voting no on the motion to table House Bill No. 197.

House Bill No. 197, by Flynn, Andrus, Holton, Sandy, Larsen, Zuck, Davis of Wibaux, Bergstrom, Clarke and Bohling, having been read three several times and title and history agreed to, failed of passage by the following vote:

Ayes: Andrew, Andrus, Arnold, Baker, Bergstrom, Bernard, Bohling, Boorman, Burke, Cady, Clarke, Davis ((Fergus), Davis (Wibaux), Dean, Flynn, Fulsher, Goodman, Gullidge, Hamilton, Hanson, Holton, Joffray, Kelly (Pondera), Larsen (Sheridan), Lease, Loble, McCarty, McLeod, Myrick, Perrine, Pilgeram, Pope, Ridle, Roscow, Ruffcorn, Sandy, Swift, Troy, Mr. Speaker. Total—39.

Noes: Armstrong, Benedict, Berryman, Bosley, Brandjord, Bricker, Buchanan, Buttelman, Caplis, Carlson (McCone), Cavanaugh, Cronk, Dell, Denny, Elliott, English, Facey, Gillin, Harris, Hoffman, Kennedy, Kenyon, Kinville, Larson (Richland), Leavens, Lemmon, McAfee, McCormack, Maury, Murphy, Mushbach, Nelson, O'Connell, Oker, Ostby, Peden, Rasmussen, Rodgers, Seidensticker, Smethurst, Spencer, Stoddard, Stoner, Strange, Taylor, Tawney, Terrett, Wold. Total—48.

Absent and not voting: Bray, Buell, Carlson (Gallatin), Cowley, Duffy, Gillette, Johnson, Kelly (Silver Bow), Scharnikow, Tierney, Zuck. Total—11.

Paired: Hawley and Smith. Total—2.

H. B. No. 327, by Committee on Appropriations, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Arnold, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Bricker, Buchanan, Buttelman, Cady, Carlson (McCone), Cavanaugh, Cronk, Davis (Wibaux), Dean, Dell, English, Facey, Flynn, Fulsher, Gillin, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Larson (Richland), Lease, Leavens, Lemmon, McCarty, McCormack, McLeod, Murphy, Mushbach, Myrick, Ostby, Peden, Perrine, Pilgeram, Pope, Ridle, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Mr. Speaker. Total—68.

Noes: Armstrong, Baker, Brandjord, Burke, Davis (Fergus), Denny, Elliott, Goodman, Kinville, Larsen (Sheridan), Loble, McAfee, Nelson, O'Connell, Oker, Rasmussen, Rodgers, Stoner. Total—18.

Absent and not voting: Andrus, Bray, Buell, Caplis, Carlson (Gallatin), Clarke, Cowley, Duffy, Gillette, Gullidge, Kelly (Silver Bow), Maury, Wold, Zuck. Total—14.

H. B. No. 324, by Boorman, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bricker, Buchanan, Buttelman, Caplis, Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Elliott, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Kinville, Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCormack, McLeod, Murphy, Mushbach, Myrick, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Roscow, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Mr. Speaker. Total—81.

Noes: Burke, Cady. Total—2.



Absent and not voting: Andrus, Bray, Buell, Carlson (Gallatin), Cowley, Duffy, English, Gillette, Hoffman, Kelly (Silver Bow), Larson (Richland), McCarty, Maury, Nelson, Rodgers, Ruffcorn, Zuck. Total—17.

H. B. No. 375, by Committee on Ways and Means, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Arnold, Baker, Berryman, Bohling, Boorman, Bosley, Brandjord, Bricker, Buchanan, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Dean, Dell, Denny, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Hanson, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Kinville, Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Mr. Speaker. Total—81.

Noes: Armstrong, Burke, Hamilton, Strange. Total—4.

Absent and not voting: Benedict, Bergstrom, Bernard, Bray, Buell, Cowley, Davis (Wibaux), Duffy, Gillette, Gullidge, Harris, Kelly (Silver Bow), Larson (Richland), Maury, Zuck. Total—15.

H. B. No. 138, by Committee on Banks and Banking, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrus, Arnold, Baker, Benedict, Bergstrom, Berryman, Bohling, Bosley, Brandjord, Bricker, Buchanan, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Wibaux), Dean, Dell, Elliott, English, Facey, Flynn, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Kinville, Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Mr. Speaker. Total—80.

Noes: Burke, Davis (Fergus), Denny, Fulsher, Nelson. Total—5.

Absent and not voting: Andrew, Armstrong, Bernard, Boorman, Bray, Buell, Cowley, Duffy, Gillette, Kelly (Silver Bow), Larson (Richland), O'Connell, Strange, Swift, Zuck. Total—15.

H. B. No. 314, by Ruffcorn, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bricker, Buchanan, Buttelman, Cady, Caplis, Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Kelly (Pondera), Kennedy, Kenyon, Kinville, Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Nelson, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Troy, Wold, Mr. Speaker. Total—83.

Noes: Burke, Denny, O'Connell. Total—3.

Absent and not voting: Andrus, Bray, Buell, Carlson (Gallatin), Cowley, Duffy, Gillette, Johnson, Kelly (Silver Bow), Larson (Richland), Ridle, Smith, Tierney, Zuck. Total—14.

H. B. No. 193, by Cady, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Buchanan, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Kelly (Pondera), Kennedy, Kenyon, Kinville, Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Peden, Perrine, Pilgeram.



Pope, Rasmussen, Ridle, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Mr. Speaker. Total—84.

Noes: Burke. Total—1.

Absent and not voting: Andrus, Brandjord, Bray, Bricker, Buell, Cowley, Duffy, Gillette, Johnson, Kelly (Silver Bow), Larson (Richland), Ostby, Rodgers, Swift, Zuck. Total—15.

The Committee on Engrossment reported as follows:

“Mr. Speaker:

We, your Committee on Engrossment, to whom was referred H. B. No. 138, beg leave to report same back correctly engrossed.

LARSON of Richland, Chairman.”

“Mr. Speaker:

We, your Committee on Engrossment, to whom was referred H. B. Nos. 314, 193, beg leave to report same back correctly engrossed.

LARSON of Richland, Chairman.”

“Mr. Speaker:

We, your Committee on Engrossment, to whom was referred H. B. No. 294, beg leave to report same back correctly engrossed.

LARSON of Richland, Chairman.”

Moved by Kelly of Pondera, duly seconded, that the House adjourn until Tuesday, February, 20, at 1:30 p. m.

Moved by Lease, as a substitute that the House adjourn until 10:30 o'clock. Duly seconded.

Moved by Gullidge, duly seconded and carried, that the substitute be amended to fix time to which the House adjourn until 12 o'clock noon.

Substitute motion as amended, carried.

CALVIN CRUMBAKER, Speaker.

Attest: JAMES A. SHOEMAKER, Chief Clerk.

## FIFTY-FIRST DAY.

House of Representatives,  
February 20, 1923.

House convened pursuant to adjournment at 12:00.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Upon roll call all members present except: Gillette, excused; Caplis and Kelly of Silver Bow, absent.

The Committee on the Journal reported as follows:

“Mr. Speaker:

We, your Committee on Journal, have this day examined the Journal for the 50th Legislative day and found the same correct.

BUCHANAN, Chairman.”

Report adopted.

## COMMUNICATIONS AND PETITIONS.

### COMMUNICATIONS FROM THE SENATE.

Moved by Boorman, duly seconded and carried, that the following Senate communications be considered read at length:

“Helena, Montana, February 19, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Senate bills were this day read third time, and passed, title agreed to, and are herewith transmitted to the House for concurrence:

No. 138, No. 210, No. 144, No. 213, No. 208, No. 205, No. 161, No. 76, No. 203, No. 116, No. 207, No. 172, No. 201, No. 157, No. 62, No. 199, No. 200, No. 158, No. 184, No. 177, No. 135, No. 146, No. 89, No. 186, No. 101, No. 182, No. 194, No. 118, No. 112, No. 190, No. 191, No. 171, No. 195, No. 209.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"February 19, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee of the Whole to whom was referred business on General File, report and recommend as follows:

That Senate Bill No. 186 be amended in Section 1 by striking out in line one, the words and figures, "Section 836 Paragraph 7" and inserting in lieu thereof the words, "Paragraph 7 of Section 836."

Amend in Section 8 by striking out in line three (3) the words and figures "Chapter 86." Amend in Section 8 by striking out in line 405 the words, "principal in a high school," and inserting in lieu thereof the words "teacher in a high school or as the principal teacher of a school of more than three departments."

Amend in Section 8 in line 5, after the word "citizen," the words "of the United States," and in line 6 after the word "citizen" the word, "of the United States." Amend in Section 8 by adding a new section to be numbered Section 9. "Section 9. All Acts and Parts of Acts in conflict herewith are hereby repealed." Amend by adding a new section to be numbered Section 10.

"Section 10. This Act shall be in full force and effect from and after its passage and approval."

And as so amended, recommend same do pass.

That consideration of Senate Bill No. 199 be passed for the day.

That Senate Bill No. 200 do pass.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"February 19, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee of the Whole to whom was referred business on General File, report and recommend as follows:

That Senate Bill No. 199 be amended in the title by striking out the words "and making an appropriation of money to carry out this act."

And as so amended, recommend same do pass.

That Senate Bill No. 197 do not pass.

That Senate Bill No. 172 do not pass.

Senate Bill No. 184: That Senate Bill No. 184 be amended in Section 8 by striking out in line 7 the words "first day of July," and inserting in lieu thereof the words, "last day of June."

Amend in Section 68 by adding thereto the following: "except those of the director of the department of finance and manager which shall be filed with the director of the department of law."

Amend by striking out in line 3, Section 2, the figures and words ten per centum (10%) and inserting in place the words and figures twenty per centum (20%).

Amend by striking out Section 53 and adding a new section, which shall read as follows: "Section 53, a county primary election for the choice of members for the commission shall be held at the same date as the election of all county officers as now provided by law."

And, as so amended, recommend same do pass.

That Senate Bill No. 18 do pass.

That Senate Bill No. 177 do pass.

That Senate Bill No. 146 do pass.

That Senate Bill No. 95 do pass.

That Senate Bill No. 192 do pass.

That Senate Bill No. 160 do not pass.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"February 19, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee of the Whole to whom was referred business on General File, report and recommend as follows:

That Senate Bill No. 198, do not pass.

That Senate Bill No. 194, do pass.

That Senate Bill No. 182, do pass.

That Senate Bill No. 101 do pass.

That Senate Bill No. 195 do pass.

That Senate Bill No. 135 do pass.

That Senate Bill No. 190 do pass.

That Senate Bill No. 171 do pass.

That Senate Bill No. 191 do pass.

That Senate Bill No. 89 do pass.

That Senate Bill No. 130 be amended by striking out the enacting clause.

That Senate Bill No. 179 be amended by striking out the enacting clause.

That Senate Bill No. 112 do pass.

That Senate Bill No. 203 do not pass.

That Senate Bill No. 201 do pass.

That Senate Bill No. 172 do pass.

That Senate Bill No. 197 be amended by striking out the enacting clause.

That Senate Bill No. 95 be amended by striking out the enacting clause.

That Senate Bill No. 138 be amended in Section 1 by striking out in line 5 the word county and inserting in lieu thereof the words "and Jefferson Counties."

That Senate Bill No. 138 be amended in Section 1 by striking out in line 24 the word "and Jefferson Counties" and inserting in lieu thereof the word "County."

And, as so amended, recommend do pass.

That Senate Bill No. 207 do pass.

That Senate Bill No. 116 do pass.

That Senate Bill No. 76 do pass.

That Senate Bill No. 209 be amended in Section 2 by striking out in lines two and three, the words and figures, "forty-five hundred (\$4500) dollars, and inserting in lieu thereof the words "four thousand (\$4000) dollars."

That Senate Bill No. 209 be amended in Section 3 by striking out in line 8 the words and figures "four thousand dollars (\$4000)" and inserting in lieu thereof the words and figures "three thousand dollars (\$3000)." Also amend Section 3 by striking out in line 14 the words and figures "four thousand dollars (\$4000)" and inserting in lieu thereof the words and figures "three thousand dollars (\$3000)."

That Senate Bill No. 209 be amended in Section 7 by inserting in line 2 after the word "Elected" the words "or appointed."

That Senate Bill No. 209 be amended in Section 1 by striking out in line 8 "four thousand dollars (\$4000) and inserting in lieu of the figures "three thousand dollars (\$3000)."

Also amend Senate Bill No. 209 in Section 7 by striking out in line 2 the words "or appointed."

And as so amended, recommend same do pass.

That Senate Bill No. 205 do pass.

That Senate Joint Resolution No. 3 be amended by striking out in line 18, the word "other" and inserting in lieu thereof the word "all," and as so amended, recommend same do pass.

That consideration of Senate Bill No. 196 be passed, for the day.

That Senate Bill No. 208 do pass.

That Senate Bill No. 161 do pass.

That Senate Bill No. 213 do pass.

That Senate Bill No. 214 be amended by striking out the enacting clause.



That Senate Bill No. 210 be amended in Section 1 by striking out in line 3 the words, "and in the judgment of the Board of County Commissioners."

And as so amended, recommend same do pass.

That Senate Bill No. 144 do pass.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Mr. Speaker:

We, your Committee on Education, having had under consideration Senate Bill No. 170, by Watson, being a Bill for an Act entitled:

"An Act providing for the separation of the schools of the deaf, dumb and blind from the schools of the feeble minded, and the locating of the school for the deaf, dumb and blind in some large center of population."

Beg leave to report that the same do not pass, and in making such recommendation beg leave to submit that the bill contains some meritorious provisions and that your committee after having considered the proposition thoroughly, and hearing the evidence of the Superintendent of the School at Boulder, recommends that the State Board of Education between this date and the time of the convening of the next regular session of the legislature, make a report as to the condition of the school at Boulder to the next regular session of the Senate with reference to the segregation of these schools and as to the advisability of the same, and as to where in the State of Montana would be a suitable and preferable location, and in addition thereto, to make a report as to the estimated cost of establishing a new institution to be maintained by the State to take care of the deaf, dumb and blind.

The reason we make this recommendation is that the deaf, dumb and blind are classed with the feeble minded. It is humiliating to the deaf, dumb and blind students, as well as to their parents to be classed with the feeble minded, and it also, from our investigation, tends to hinder the securing of employment for the deaf, dumb and blind after they leave the institution at Boulder. There is no question but what the treatment at Boulder of the deaf, dumb and blind is absolutely of the best. The institution which houses the deaf, dumb and blind has cost the State approximately four hundred thousand dollars and we believe it would require this much money to properly establish a new school of suitable proportions and as good equipment as the school at Boulder, and we cannot find at this time the ways and means of so doing.

In addition to the foregoing statements, we believe that there are in the neighborhood of four hundred applicants to the School of Feeble Minded at Boulder who cannot be taken care of by reason of the present over-crowded condition at Boulder. If the deaf, dumb and blind were removed from the Boulder school, all of the buildings now taking care of the deaf, dumb and blind could be used for the feeble minded and, even so, then there would not be room for all of the feeble minded children of the State. Hence, we make the recommendation above with the hope that the State Board of Education will furnish the next Senate sufficient information so that suitable action may be taken to properly look after the interests, welfare and treatment of the deaf, dumb and blind, as well as to properly care for and look after the welfare and training of the feeble minded children of the State of Montana.

Respectfully submitted,

PAUL,  
COWAN,  
MAINS,  
LEIGHTON,  
GREENUP,  
OLIVER."

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received:

"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration H. B. No. 171, introduced by Mushbach, "An Act appropriating money to reimburse the heirs of Tony Early for loss of interest on payments made to the State Board of Land Commissioners for purchase of lands and loss of improve-

ments on said lands, to which the State of Montana was unable to give patent and from which said Tony Early, as such purchaser, was subsequently ejected," respectfully report as follows:

That H. B. No. 171 do pass.

BUELL, Chairman."

On motion of Hawley, report adopted.

"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration H. B. No. 264, introduced by Myrick, "An Act appropriating money to reimburse James L. Stillwell for moneys expended and loss sustained in defense of title of certain lands purchased from the State Board of Land Commissioners upon which he was subsequently contested," respectfully report as follows:

That H. B. No. 264 do not pass.

BUELL, Chairman."

On motion of Hawley, report adopted.

"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration H. B. No. 247, introduced by Arnold, "An Act appropriating money for the administrative expenses of the Montana State Highway Commission for the two years beginning July 1, 1923, and ending June 30th, 1925," respectfully report as follows:

That H. B. No. 247 do not pass.

BUELL, Chairman."

On motion of Arnold, report adopted.

"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration H. B. No. 246, introduced by Arnold, "An Act appropriating money for the maintenance of the Montana State Highway system of roads in conjunction with the various counties of the State of Montana by and thru their boards of County Commissioners for the two years beginning July 1st, 1923, and ending June 30th, 1925, under rules and regulations of Montana State Highway Commission," respectfully report as follows:

That H. B. No. 246 do not pass.

BUELL, Chairman."

On motion of Hawley, report adopted.

"Mr. Speaker:

We, your Committee on Development and Publicity, having had under consideration S. B. No. 134, introduced by Paul, Dowlin and Clark, a Bill for an Act entitled: "An Act to provide for the transfer of all money in 'the war defense fund' of the State of Montana to the general fund of the State," respectfully report as follows:

That S. B. No. 134 be reported back with the recommendation for concurrence by the House.

PERRINE, Chairman."

On motion of McCormack, report adopted.

#### INTRODUCTION OF BILLS AND MEMORIALS.

The following Senate bills were introduced, read first and second times by title and history only, and referred to the committees as follows:

S. B. No. 45, by Paul: "A Bill for an Act entitled: 'An Act to govern the State purchasing department and prescribing the duties of the State purchasing agent with reference to the purchase of supplies for the various offices, boards, departments and institutions of the State of Montana; prescribing the manner in which said supplies shall be purchased and setting forth the duties of the State purchasing agent with reference thereto, and providing for the compiling of records in the office of the State purchasing agent and providing punishment for the violations of any of the provisions of this act.'" (Committee on Revenue and Taxation).

S. B. No. 119, by Walker: "An Act to amend Section 4874 of the Revised Codes of Montana of 1921 relating to the authority of the county commissioners to fix compensation and appointment of deputy county officers." (Committee on Townships and Counties.)

S. B. No. 132, by Committee on Dairies and Dairying: "A Bill for an Act entitled: 'An Act relating to imitation butter; prohibition of coloring matter; sale of skimmed milk; trade marks; unfair discrimination; penalty for violation of the law; Division of dairying and farming, powers and duties; regulation of standards; samples of dairy products for analysis and tests; payment for same; compilation of statistics and extension work; licensing of creameries, cheese factories and ice cream factories; license fees; registration of factories; reports of factories; adoption of Babcock test; examination to operate the test; fee for certificate to operate the test; methods of conducting the Babcock test; use of test bottles; false determination of test; regulation of cream stations; location of cream stations; unsanitary places where dairy products are manufactured or kept; interference with officer in performance of his duties; standards of dairy products; maker's name on package containing butter; licenses for producers of dairy products and amending Sections 2622; 2627; 2628; 2629; 2630; 2631; 3568; 3569; 3570 and 3282 of the Revised Codes of 1921.'" (Committee on Dairying.)

S. B. No. 147, by Page and Haley: "A Bill for an Act entitled: 'An Act to repeal Sections 671, 672, 673, 674, 675 and 676 of the Revised Codes of Montana of 1921, these sections now being what was initiative measure entitled 'A Bill to propose by initiative petition a law to provide for the expression by the people of the State of Montana of their preferences of party candidates for president and vice-president of the United States, the election of delegates to presidential conventions and, the nomination of presidential electors by direct vote, initiated and passed by the people of the State of Montana at the General Election of 1912.'"

'An Act to repeal Sections 671, 672, 673, 674, 675 and 676 of the Revised Codes of Montana of 1921, these sections now being what was initiative measure entitled: "A Bill to propose by initiative petition a law to provide for the expression by the people of the State of Montana of their preferences of party candidates for president and vice-president of the United States, the election of delegates to presidential conventions and the nomination of presidential electors by direct vote," initiated and passed by the people of the State of Montana, at the General Election of 1912.'"

Moved by Oker, duly seconded, that S. B. No. 147 be laid on the table. Roll call being requested by Scharnikow, duly seconded, the motion failed, the vote being as follows:

Ayes: Benedict, Bernard, Bosley, Brandjord, Bray, Bricker, Buchanan, Cronk, Flynn, Hanson, Harris, Hoffman, Holton, Joffray, Johnson, Kenyon, Larson (Richland), Larsen (Sheridan), Lease, Leavens, McAfee, McCormack, Myrick, Oker, Peden, Perrine, Pilgeram, Pope, Ruffcorn, Sandy, Smethurst, Stoner, Strange, Swift, Taylor, Tierney, Mr. Speaker. Total—37.

Noes: Armstrong, Arnold, Baker, Bergstrom, Berryman, Bohling, Burke, Buttelman, Cady, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cowley, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, English, Fulsher, Gillin, Goodman, Gullidge, Hawley, Kelly (Pondera), Kennedy, Kinville, Lemmon, McCarty, McLeod, Maury, Murphy, Mushbach, Nelson, O'Connell, Rasmussen, Ridle, Rodgers, Scharnikow, Seidensticker, Smith, Spencer, Stoddard, Terrett, Troy, Zuck. Total—48.

Absent and not voting: Andrew, Andrus, Boorman, Buell, Caplis, Elliott, Facey, Gillette, Hamilton, Kelly (Silver Bow), Loble, Ostby, Roseow, Tawney, Wold. Total—15.

S. B. No. 148, by Pomeroy: "A Bill for an Act entitled: 'An Act to require clerks of the district courts to keep index books for indexing bonds in criminal cases.'" (Committee on Judiciary.)

S. B. No. 152, by Leuthold: "A Bill for an Act entitled: 'An Act re-establishing and defining that part of the boundary line between Stillwater County and Carbon County, State of Montana, running from the southeast corner of Section Sixteen, Township Five South, Range Eighteen East, to the south-



east corner of the southwest quarter of the southwest quarter of Section Twenty-one, Township Four South, Range Twenty East, M. P. M.'” (Committee on New Counties and Divisions.)

S. B. No. 153, by Committee on Library: “A Bill for an Act entitled: ‘An Act to amend Sections 4565, 4566 and 4567 of the Revised Codes of Montana of 1921 with reference to the creation and establishing of county free libraries and providing for the management and control thereof and for the appointment of a librarian and the appointment of a board of trustees to manage, operate and control the county free library and providing rules and regulations therefor.’” (Committee on Library.)

S. B. No. 154, by Griffin: “A Bill for an Act entitled: ‘An Act to amend Section 2211 of the Revised Codes of Montana of 1921, relating to redemption from tax sale and payment of tax by incumbrancer.’” (Committee on Judiciary.)

S. B. No. 156, by Committee on Banks and Banking: “A Bill for an Act entitled: ‘An Act to amend Sections 6071 and 6074 of the Revised Codes of Montana of 1921, relating to the reports of state banks to the Superintendent of Banks.’” (Committee on Banks and Banking.)

S. B. No. 159, by Page: “A Bill for an Act entitled: ‘An Act to amend Section 11084 of the Revised Codes of Montana of 1921, relating to intoxicating liquors, their regulation, their manufacture, sale and use.’” (Committee on Public Morals, Charities and Reforms.)

S. B. No. 180, by Committee on Banks and Banking: “A Bill for an Act entitled: ‘An Act amending Section 182 of the Revised Codes of Montana of 1921 relating to the depositing of funds in the hands of the State Treasurer; and providing for the security to be delivered by the banks designated as depositories by the State Depository Board.’” (Committee on Banks and Banking.)

S. B. No. 183, by Committee on Banks and Banking: “A Bill for an Act entitled: ‘An Act to amend Section 180 of the Revised Codes of Montana of 1921, relating to the payment, registry and interest on state warrants.’” (Committee on Banks and Banking.)

Senate Sub. for Joint Resolution No. 2, by Committee on Railroads: Relating to interchanging of freight cars was referred to Committee on Railroads and Transportation.

Senate Joint Memorial No. 6, by Demel, Pauline, Watson and Garber: “Memorial to the Congress of the United States to enact such legislation providing for the forty year plan, to meet construction operation and maintenance charges of government reclamation projects.” (Committee on Irrigation and Water Rights.)

S. B. No. 41, by Kirton: “A Bill for an Act entitled: ‘An Act to amend Sections 3652, 3653, 3672, 3681, 3685, 3694, 3696, 3697, 3699, 3700, 3701, 3702, 3703, 3704, 3707, 3714, 3722, 3723, 3730, 3731, 3732, 3733, 3742, 3751, and 3753 and repealing Sections 3686, 3698, 3724 and 3752 of the Revised Codes of Montana, relating to the State Fish and Game Commission, fish and game licenses, protection and propagation of fish and game.’” (Committee on Fish and Game.)

S. B. No. 26, by Page: “A Bill for an Act entitled: ‘An Act creating a laborer’s lien on the products of his work or labor, for such work and labor; and providing for the manner of the enforcement of such laborer’s lien.’” (Committee on Labor.)

S. B. No. 66, by Harmon: “A Bill for an Act entitled: ‘An Act to amend Section 1271 of the Revised Codes of Montana, 1921, relating to the powers and duties of Boards of Trustees of County High Schools.’” (Committee on Education.)

S. B. No. 120, by Duncan: “A Bill for an Act entitled: ‘An Act to amend Section 12433 of the Revised Codes of Montana of 1921, relating to the disposition of fines, costs and forfeitures of all courts except police courts.’” (Committee on Judiciary.)

S. B. No. 149, by Mains: “A Bill for an Act entitled: ‘An Emergency Act authorizing the board of school trustees of any school district to fund outstanding indebtedness by the issuance of ten year amortization bonds.’” (Committee on Education.)

S. B. No. 150, by Committee on Banks and Banking: "A Bill for an Act entitled: 'An Act requiring a license and bond for solicitors or agents of building and loan associations; limiting fines which such associations may charge; requiring that all moneys collected be accounted for to the association; requiring a definite procedure for making loans to officers; defining the methods by which foreign associations may do business in the State and defining the duties of the State Examiner in relation to such provisions.'" (Committee on Banks and Banking.)

S. B. No. 167, by Oliver: "A Bill for an Act entitled: 'An Act to provide for the payment of forfeited shares in building and loan associations.'" (Committee on Banks and Banking.)

S. B. No. 173, by Paul: "A Bill for an Act entitled: 'An Act amending Sections 6453, 6454 and 6455 of the Revised Codes of Montana of 1921, relating to the formation of religious, fraternal, benevolent and charitable corporations.'" (Committee on Judiciary.)

S. B. No. 181, by Committee on Judiciary: "A Bill for An Act entitled: 'An Act to approve, legalize and adopt as the laws of Montana the Revised Codes of Montana of 1921, prepared by the Code Commissioner appointed by authority of Chapter 195 of the Laws of the Sixteenth Legislative Assembly of Montana of 1919.'" (Committee on Judiciary.)

S. B. No. 189, by Committee on Stockgrowing and Grazing: "A Bill for an Act entitled: 'An Act to amend Section 2083 of the Revised Codes of Montana, 1921, relating to bounties on predatory animals.'" (Committee on Livestock and Public Ranges.)

S. B. No. 62, by Haley: "A Bill for an Act entitled: 'An Act establishing and defining the liability of cities and towns in this State for the negligence or mismanagement of such cities and towns, and their officers, agents, servants or employees.'" (Committee on Livestock and Public Ranges.)

S. B. No. 76, by Paul, Dowlin and Clark: "A Bill for an Act entitled: 'An Act describing the duties of the Montana Irrigation Commission with reference to the measurement and calculation of the ordinary and flood discharge of streams in the State of Montana and requiring them to become conversant with the waterways of the State and the needs of the State as to irrigation matters and requiring said Montana Irrigation Commission to co-operate in this work as much as possible with the United States Geological Survey and the Montana Experiment Station and repealing Sub-division Three (3) of Section 1955 of the Revised Codes of Montana of 1921.'" (Committee on State Boards and Officers.)

S. B. No. 89, by Healy: "A Bill for an Act entitled: 'An Act to amend Sections 3859 and 3875 of the Revised Codes of Montana, 1921, relating to the inspection of water craft, appointment of inspectors and their compensation, and inspection and license fees.'" (Committee on Revenue and Taxation.)

S. B. No. 101, by Speer: "A Bill for an Act entitled: 'An Act providing the fees to be paid by foreign corporations for filing a certified copy of its charter or articles of incorporation in the office of the Secretary of State of the State of Montana.'" (Committee on Revenue and Taxation.)

S. B. No. 112, by Greenup: "A Bill for an Act entitled: 'An Act to amend Sections 2191 of the Revised Codes of Montana of 1921, relating to the sale of real estate for taxes due thereon.'" (Committee on Judiciary.)

S. B. No. 116, by Paul, Dowlin and Clark: "A Bill for an Act entitled: 'An Act to amend Section 4194 of the Revised Codes of Montana of 1921, relating to the State Sealer of Weights and Measures, and providing that the State Sealer of Weights and Measures be ex-officio State Oil Inspector of the State of Montana, and for the enforcement of the Act, inspection of oil, and prescribing the powers and duties of such State Oil Inspector, and abolishing the office of Deputy Oil Inspector, and providing that said State Oil Inspector shall receive no compensation other than as fixed in this Act.'" (Committee on State Boards and Officers.)

S. B. No. 118, by Paul, Dowlin and Clark: "A Bill for an Act entitled: 'An Act to repeal Section 4208 of the Revised Codes of Montana of 1921, relating to the State Gasoline Inspection Fund.'" (Committee on Ways and Means.)



S. B. No. 135, by Paul, Dowlin and Clark: "A Bill for an Act entitled: 'An Act to provide for the transfer of all moneys in the State Gasoline Inspection Fund to the General Fund of the State of Montana.'" (Committee on Ways and Means.)

S. B. No. 138, by Mains: "A Bill for an Act entitled: 'An Act to amend Sections 8812 and 8813 of the Revised Codes of Montana of 1921, relating to the judicial districts of the State of Montana and judges thereof; providing the number of such judicial districts and defining them; providing for the number of judges in each of such judicial districts; providing when the said judicial districts shall come into existence, and providing for the nomination and election of the judges thereof for the next general election.'" (Committee on Judiciary.)

S. B. No. 144, by Cowan: "A Bill for an Act entitled: 'An Act relating to irrigation districts organized under Chapter 153, Session Laws 1921, and amending and re-enacting Sections 3956, 3960, 3965, 3968, 3969, 3970, 3973, 3974, 3975, 3990, 4014, of the Revised Codes of Montana, 1921, which relate to the procedure for organizing said irrigation districts, and examination and report of the Public Service Commission thereon, and the meeting of directors of said district and the election of officers of the board, providing for the formulation of the plan of reclamation of said districts and the final report of the Public Service Commission thereon, and fixing the form and terms of the bonds of said districts and prescribing that the same, when certified by the Public Service Commission, shall be legal investments, providing for the delivery of bonds of said districts to contractors in lieu of sale, or for sale of said bonds, fixing the time for payment of said bonds and prescribing the lien thereof, providing for the determination of the amount of the annual assessment for sinking fund and other purposes, providing for the determination of the annual administrative expenses and levy and collections thereof, fixing the limitations on the power of the directors to incur indebtedness, prescribing the method for the election of the directors of said district and for the organization of said directors as a board, and authorizing the State Land Board to sign petitions for the inclusion of State lands in irrigation districts, organized under this Act and to pay assessments therefor out of any funds belonging to said Board not otherwise appropriated.'" (Committee on Irrigation and Water Rights.)

S. B. No. 158, by Hazelbaker: "A Bill for an Act entitled: 'An Act to provide for the letting of contracts for public printing, fixing the prices therefor, providing for an undertaking for the faithful performance of such contracts, providing a penalty for the violation of this Act, and repealing Section 4482 of the Revised Codes of Montana of 1921.'" (Committee on Corporations Other Than Municipal.)

The sub-committee on budget requested, and was granted by unanimous consent, permission to be excused for committee work at 1:00 p. m.

S. B. No. 161, by Coburn: "A Bill for an Act entitled: 'An Act amending Section 4390 of the Revised Codes of Montana, 1921, relating to the creation of new counties and for the prorating of the debts and assets of such county, and providing for the conforming of all other provisions herein which may be in some particulars in conflict herewith.'" (Committee on New Counties and Divisions.)

S. B. No. 146, by Clark: "A Bill for an Act entitled: 'An Act relating to the redemption of property sold for delinquent taxes; allowing the owner thereof to pay such delinquent taxes for the first year without paying those for subsequent years at the same time, and repealing Section 2233 of the Revised Codes of Montana of 1921.'" (Committee on Judiciary.)

S. B. No. 157, by Walker: "A Bill for an Act entitled: 'An Act to amend Subdivision 2 of Section 6537 of the Revised Codes of Montana of 1921, relating to leases, sales and mortgages of railroad equipment and rolling-stock, and providing that the same shall be filed for record in the office of the Secretary of State.'" (Committee on Judiciary.)

S. B. No. 171, by Mears: "A Bill for an Act entitled: 'An Act defining the meaning of 'Property', 'Value of Property', 'Taxable Value' and 'Assessed Value' and other expressions in the limitations upon levying, or in any statute law, or rule imposing taxes in the State of Montana.'" (Committee on Revenue and Taxation.)



S. B. No. 172, by Hazelbaker: "A Bill for an Act entitled: 'An Act providing for the consolidation of county offices upon a vote of the qualified electors of the county and providing for the holding of an election for said purpose.'" (Committee on Privileges and Elections.)

S. B. No. 177, by Speer, Pomeroy and Stewart: "A Bill for an Act entitled: 'An Act to safeguard the funds and securities of the Industrial Accident Board, and constituting the State Treasurer as treasurer of said Board, and to amend Section 3000 of the Revised Codes of Montana of 1921.'" (Committee on State Boards and Officers.)

S. B. No. 182, by Committee on Towns and Counties: "A Bill for an Act entitled: 'An Act to provide for the investment of the sinking funds of counties, cities and towns; prescribing the kinds of securities in which such funds shall be invested; and regulating the investment of such sinking funds.'" (Committee on Townships and Counties.)

S. B. No. 184, by Hazelbaker: "A Bill for an Act entitled: 'An Act providing a commission-manager form of government for counties, providing for the election of officers therein, defining their powers and duties and providing for their compensation.'" (Committee on Townships and Counties.)

S. B. No. 186, by Committee on Education: "A Bill for an Act entitled: 'An Act to repeal Section 836, Paragraph 7, of the Revised Codes of Montana, 1921, relating to powers and duties of State Board of Education; to repeal Sections 837, 838, 839, and 840 of the Revised Codes of Montana, 1921, relating to the issuance of State certificates and life certificates; to amend Section 944 of the Revised Codes of Montana, 1921, relating to examinations; to repeal Section 947 of the Revised Codes of Montana, 1921, relating to temporary State certificates; to repeal Section 1074 of the Revised Codes of Montana, 1921, relating to certificate of qualification, 1086 of the Revised Codes of Montana 1921, relating to normal training requirements, and 1087 of the Revised Codes of Montana, 1921, relating to suspension of teachers' certificates; to amend Chapter 86 of the Political Codes of Montana, 1921, pertaining to State and county examinations and certificates, and being an Act codifying and amending the school laws of Montana regarding examination and certification of teachers.'" (Committee on Education.)

S. B. No. 190, by Gibson: "A Bill for an Act entitled: 'An Act to amend Section 12247 of the Revised Codes, 1921, relating to the power of the Governor to grant pardons, commutation of sentence, remission of fines and forfeitures, and creation of a Board of Pardons.'" (Committee on Judiciary.)

S. B. No. 191, by Coburn: "A Bill for an Act entitled: 'An Act to amend Section 10256 of the Revised Codes of Montana, 1921, relating to leasing by executors and administrators of realty belonging to estates of deceased persons and obtaining order of court therefor.'" (Committee on Judiciary.)

S. B. No. 194, by Leighton: "A Bill for an Act entitled: 'An Act providing for the propounding and prosecution of a claim by and in the name of the State of Montana against the Government of the United States for the recovery, under the present laws of the United States or such as may be hereafter enacted, from said Government of all moneys heretofore paid illegally into the Federal Treasury as a direct tax upon property situated in the State of Montana; providing for the recovery of same; authorizing the Board of Examiners of the State to employ counsel and enter into the necessary contracts and agreements for the carrying out of the object of this Act; providing for notice to and procedure by claimants of such moneys and fixing a prescription period after which such moneys shall escheat to and become the absolute property of the State of Montana.'" (Committee on Judiciary.)

S. B. No. 195, by Church: "A Bill for an Act entitled: 'An Act to amend Section 5159 of the Revised Codes of Montana of 1921, relating to the appointment of Boards of Park Commissioners.'" (Committee on Affairs of Cities.)

S. B. No. 199, by Lowe: "A Bill for an Act entitled: 'An Act creating the Northern Montana Normal School, designating the method of its location and defining its purpose and making an appropriation of money to carry out this Act.'" (Committee on Appropriations.)

S. B. No. 200, by Lowe: "A Bill for an Act entitled: 'An Act empowering school trustees upon authorization by a vote of the electors of a school district, to convey to the State of Montana any property of a school district for the use of any State educational institution now existing or hereafter created, located in said school district; providing for an election upon the question of such authorization, and regulating the payment of outstanding obligations of such school district.'" (Committee on Education.)

S. B. No. 201, by Committee on Education: "A Bill for an Act entitled: 'An Act to amend Sections 1042, 1043, 1044, 1045, 1047 and 1048 of the Revised Codes of Montana, 1921, relating to the creation of a rural school district.'" (Committee on Education.)

S. B. No. 203, by Siegfriedt: "A Bill for an Act entitled: 'An Act amending Section 11085 of the Revised Codes of the State of Montana relating to the appointment, oath, removal and qualification of special officers.'" (Committee on Public Morals, Charities and Reforms.)

S. B. No. 205, by Paul, Dowlin and Clark: "A Bill for an Act entitled: 'An Act creating the Montana Pioneer Historical Fund, the Pioneer Historical Society Commission and defining and describing its powers and duties.'" (Committee on Public Utilities and State Commissions.)

S. B. No. 207, by Greening: "A Bill for an Act entitled: 'An Act to repeal Sections 7340 and 7341 of the Revised Codes of 1921, relating to the procedure for the exemption of lands from liability for drainage district assessments; and amending Section 7342 of the Revised Codes of 1921, relating to the effect of a void assessment.'" (Committee on Irrigation and Water Rights.)

S. B. No. 208, by Paul, Dowlin and Clark: "A Bill for an Act entitled: 'An Act directing the State Treasurer and State Auditor of Montana to open and maintain upon their respective books of accounts certain fund accounts for the recording of all transactions effecting moneys coming into the possession of the State Treasurer, and repealing all Acts or parts of Acts in conflict herewith.'" (Committee on Ways and Means.)

S. B. No. 209, by Committee on Economy Legislation: "A Bill for an Act entitled: 'An Act fixing the salaries of State officers, State and district judicial officers, and repealing all Acts in conflict therewith.'" (Committee on Revenue and Taxation.)

S. B. No. 210, by Church: "A Bill for an Act entitled: 'An Act authorizing county officials to use loose-leaf books for certain county records and validating such records heretofore made.'" (Committee on Judiciary.)

S. B. No. 213, by Speer: "A Bill for an Act entitled: 'An Act to amend Sections 1044, 1045, and 1046 of the Revised Codes of Montana, 1921, relating to rural school districts.'" (Committee on Education.)

S. J. R. No. 3, by Committee on Mines and Mining: Relating to the fixing of a price on silver. (Committee on Mines and Mining.)

The following House Bills were introduced, read first and second times, by title only, and referred to committees as follows:

H. B. No. 384, by Committee on Appropriations: "A Bill for an Act entitled: 'An Act appropriating money for the payment of deficiency claims on account of transporting prisoners becoming due during the year ending February 28th, 1923.'" (Committee on Appropriations.)

H. B. No. 385, by Committee on Appropriations: "A Bill for an Act entitled: 'An Act appropriating money for the payment of deficiency claims on account of legislative printing of the Seventeenth Legislative Assembly.'" (Committee on Appropriations.)

H. B. No. 386, by Committee on Appropriations: "A Bill for an Act entitled: 'An Act appropriating money for the payment of deficiency claims on account of feeding drug addicts becoming due during the year ending February 28th, 1923.'" (Committee on Appropriations.)

H. B. No. 387, by Committee on Appropriations: "A Bill for an Act entitled: 'An Act appropriating money for the payment of deficiency claims on account of requisitions becoming due during the year ending February 28th, 1923.'" (Committee on Appropriations.)



## MOTIONS AND RESOLUTIONS.

Moved by Gullidge, duly seconded and carried, that all constitutional amendment bills be taken from General Orders and referred to the Joint Committee on Constitutional Amendments.

Moved by Davis of Wibaux, duly seconded and carried, that Senate Bill No. 60 be taken from General Orders and referred to the Committee on Development and Publicity.

Moved by Davis of Wibaux, duly seconded, that Senate Bill No. 105 be taken from General Orders and referred to the Committee on Highways.

Moved by Cady, duly seconded, that the motion be laid on the table.

Call of the House demanded by Maury, seconded by fifteen members.

Moved by Boorman, duly seconded and carried, that further proceedings under call of the House be dispensed with.

Roll call on motion to table was demanded by Maury, duly seconded. Motion to table failed, the vote being as follows:

Ayes: Andrus, Baker, Bergstrom, Bernard, Berryman, Bohling, Boorman, Brandjord, Bray, Bricker, Burke, Buttelman, Cady, Clarke, Cronk, Davis (Fergus), Elliott, Facey, Fulsher, Gillin, Harris, Holton, Joffray, Kenyon, Lease, Loble, McCormack, Myrick, Nelson, Ostby, Pilgeram, Pope, Sandy, Seidensticker, Smith, Strange, Swift, Zuck, Mr. Speaker. Total—38.

Noes: Andrew, Armstrong, Arnold, Benedict, Bosley, Buchanan, Buell, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Davis (Wibaux), Dean, Dell, Denny, Duffy, English, Flynn, Goodman, Gullidge, Hamilton, Hanson, Hawley, Hoffman, Kelly (Pondera), Kennedy, Kinville, Larson (Richland), Larsen (Sheridan), Leavens, Lemmon, McAfee, McCarty, McLeod, Maury, Murphy, Mushbach, O'Connell, Oker, Peden, Perrine, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Scharnikow, Smethurst, Spencer, Stoddard, Stoner, Taylor, Tawney, Terrett, Tierney, Troy, Wold. Total—56.

Absent and not voting: Caplis, Cowley, Gillette, Johnson, Kelly (Silver Bow). Total—5.

The question arising on the motion to refer Senate Bill No. 105 to the Highway Committee, a roll call was demanded by Maury, duly seconded. The motion carried, the vote being as follows:

Ayes: Andrus, Arnold, Bergstrom, Bernard, Berryman, Bohling, Boorman, Brandjord, Bray, Bricker, Buchanan, Buell, Burke, Buttelman, Cady, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Elliott, Facey, Flynn, Hanson, Harris, Holton, Joffray, Kenyon, Larson (Richland), Larsen (Sheridan), Lease, Loble, McAfee, McCormack, Myrick, Nelson, Ostby, Peden, Perrine, Pilgeram, Pope, Ruffcorn, Sandy, Seidensticker, Smith, Stoner, Swift, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—50.

Noes: Andrew, Armstrong, Baker, Benedict, Bosley, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Cowley, Dean, Dell, Denny, Duffy, English, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hawley, Hoffman, Kelly (Pondera), Kennedy, Kinville, Lemmon, McLeod, Maury, Murphy, Mushbach, O'Connell, Oker, Rasmussen, Ridle, Rodgers, Roscow, Scharnikow, Smethurst, Spencer, Stoddard, Strange, Taylor, Tawney, Terrett. Total—43.

Absent and not voting: Caplis, Gillette, Johnson, Kelly (Silver Bow), Leavens, McCarty. Total—6.

## CONSIDERATION OF GENERAL ORDERS.

Moved by Gullidge, duly seconded and carried, that the House resolve itself into a Committee of the Whole for the consideration of Appropriation House Bills, under the same conditions as imposed yesterday.

Carlson of Gallatin in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:



"Mr. Speaker:

We, your Committee of the Whole, having had under consideration bills on General Orders, respectfully report back with the recommendation that:

H. B. No. 222, do pass.

H. B. No. 309, do pass.

H. B. No. 284, do pass.

H. B. No. 328, do pass.

H. B. No. 367, do pass.

H. B. No. 359, do pass.

H. B. No. 360, do pass.

H. B. No. 361, do pass.

H. B. No. 362, be amended as follows:

Line 12, after the words "State Fair" the sum of \$4,740.68 be stricken out and in lieu thereof the sum of \$7,406.83 be inserted therein. For the reason that the increased amount will take care of the Administration of the State Fair office from March 1st to June 30th, 1923. The deficiency bills as listed with the Appropriations Committee carried unpaid bills to Feb. 28th, not taking into consideration the administration of the office from that date to the end of the fiscal year.

And when so amended, do pass.

CARLSON, Chairman."

On motion of Carlson, report adopted.

Moved by Gullidge, duly seconded and carried, that the House recess for thirty minutes.

#### HOUSE RESUMED.

House resumed at 3:20 p. m.

Mr. Speaker in the chair.

#### CONSIDERATION OF GENERAL ORDERS.

Moved by Gullidge, duly seconded and carried that the House resolve itself into a Committee of the Whole for the consideration of Senate Bills, under the same conditions as was imposed today on House Bills.

Andrew in the chair.

Committee arose.

Mr. Speaker pro tem in the chair.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole, having had under consideration bills on General Orders, respectfully report back with the recommendation that:

S. B. No. 81, be concurred in.

S. J. M. No. 5, be concurred in.

S. B. No. 63, be concurred in.

S. B. No. 74, be concurred in.

ANDREW, Chairman."

On motion of Andrew, report adopted.

Mr. Speaker in the chair.

Moved by Cowley, duly seconded and carried, that the House adjourn until Wednesday, February 21, at 11:00 a. m.

CALVIN CRUMBAKER, Speaker.

Attest: JAMES A. SHOEMAKER, Chief Clerk.

**FIFTY-SECOND DAY**

House of Representatives,  
February 21, 1923.

House convened pursuant to adjournment at 11:00 a. m.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Upon roll call all members present except: Gillette and Roscow, excused; Kelly of Silver Bow and Tawney, absent.

The Committee on Journal reported as follows:

"Mr. Speaker:

We, your Committee on Journal have this day examined the Journal for the 51st Legislative day and found the same correct.

BUCHANAN, Chairman."

Report adopted.

The Engrossment Committee reported as follows:

"Mr. Speaker:

We, your Committee on Engrossment, to whom was referred H. B. Nos. 360, 361, 367, 309, 359, 284, 222, 362, and 328 beg leave to report same back correctly engrossed.

LARSON of Richland, Chairman."

COMMUNICATIONS AND PETITIONS.  
COMMUNICATIONS FROM THE SENATE.

"Helena, Montana, February 20, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 33, introduced by Facey, Hamilton, Roscow, and McCarty, also House Bill No. 141, introduced by Goodman, were this day considered in the Committee of the Whole, and recommended for non-concurrence; report adopted and the same are herewith returned to the House.

Very respectfully,

GEORGE LESTER, Jr., Ass't. Secretary of the Senate."

Moved by Perrine, duly seconded and carried, that the following communications be considered read at length:

"Helena, Montana, February 20, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following House Bills were this day read third time and concurred in, title agreed to and are herewith returned to the House.

H. B. No. 172.

H. B. No. 165.

H. B. No. 142.

H. B. No. 125.

H. B. No. 42.

H. B. No. 121.

H. B. No. 118.

H. J. M. No. 6.

Very respectfully,

GEORGE LESTER, Jr., Ass't. Secretary of the Senate."

"Helena, Montana, February 20, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following House Bills were this day introduced, read first and second times and referred to the following standing committees:

House Bill No. 207, introduced by Smith, Committee on Judiciary.

House Bill No. 228, introduced by Committee on Appropriation, referred to Committee on Education.

House Bill No. 230, introduced by Committee on Appropriations, referred to Committee on Taxation.

House Bill No. 238, introduced by Committee on Judiciary, referred to Committee on Judiciary.

House Bill No. 59, introduced by Committee on Education, referred to Committee on Finance and Claims.

House Bill No. 227, introduced by Committee on Appropriation, referred to Committee on Finance and Claims.

House Bill No. 231, introduced by Committee on Affairs of Cities, referred to Committee on Judiciary.

House Bill No. 217, introduced by Committee on Ways and Means, referred to Committee on Finance and Claims.

House Bill No. 176, introduced by Perrine and Buttleman, referred to Committee on Irrigation and Water Rights.

House Bill No. 108, introduced by McCarty, referred to Committee on Taxation.

House Bill No. 240, introduced by Smith, referred to Committee on Federal Relations.

House Bill No. 259, introduced by Committee on Affairs of Cities referred to Committee on Counties and Towns.

House Bill No. 266, introduced by Committee on Dairies, referred to Committee on Dairies and Dairying.

House Bill No. 84, introduced by Kelly of Silver Bow, referred to Committee on Roads and Highways.

House Bill No. 140, introduced by Tawney and Strange, referred to Committee on Sanitary Affairs.

House Bill No. 56, introduced by Smith, referred to Committee on Judiciary.

House Bill No. 76, introduced by Scharnikow, referred to Committee on Counties and Towns.

House Bill No. 202, introduced by Benedict, referred to Committee on Judiciary.

House Bill No. 225, introduced by Committee on Horticulture, referred to Committee on Horticulture.

House Bill No. 216, introduced by Appropriations Committee, referred to Committee on Finance and Claims.

House Bill No. 271, introduced by Bricker, referred to Committee on Finance.

House Bill No. 180, introduced by Boorman and Loble, referred to Committee on Sanitary Affairs.

House Sub. for House Bill No. 81, introduced by Committee on Revenue and Taxation, referred to Committee on Taxation.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"February 20, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee of the Whole to whom was referred business on General File, report and recommend as follows:

That House Bill No. 67, be amended in Section k, by adding after the word, "than" on line 3 the words, "fifty dollars nor more than," and by striking out of lines 4 and 5, the words, "Nor more than one thousand and," and inserting the word, "or," in lieu thereof.

Also amend Section 1, by striking out in Line 4 the words "six months," and inserting in lieu thereof the words, "thirty days" and by striking out in line 4 the words "two years" and inserting the words "six months."

Amend Section 1, by inserting after the word "Jail," the words "or by both such fine and imprisonment."

And as so amended, recommend same be concurred in.

That House Substitute for House Bill No. 110 be concurred in.

That House Bill No. 131 be amended in Section 1, by inserting after the word "Montana" in line 1, the figures "1921."



And as so amended, recommend same do pass.

That House Bill No. 146 be concurred in.

That House Bill No. 58 be amended in Section 4 by striking out in line 46 the last three words "in the event," and all of lines 47-48-49-50-51.

Amend in Section 5, by inserting in line 3 of the original bill, after the word "bonds," the words "and floating indebtedness."

Amend in Section 5, by striking out in line 7 of the original bill, the word "bonds" and inserting in lieu thereof the word "Obligations."

Amend in Section 5, by adding to the section—"and further provide that Section 5285 of the Revised Codes of Montana 1921 shall not apply to the issuance of bonds to take up outstanding warrants."

And as so amended, recommend same be concurred in.

That House Bill No. 33—strike out the enacting clause.

That consideration of House Bill No. 147 be passed.

That House Bill No. 52 be concurred in.

That House Bill No. 141 be amended by striking out the enacting clause.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 20, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 55, introduced by Loble, was this day read third time and concurred in, as amended by Committee on Oils and Leases, title agreed to, and is herewith transmitted to the House for concurrence in Senate amendments.

Amend in Section 1, line 23, original bill by inserting after the word "upon" the words "all of the right, title and interest of such owner in and to."

Same in line 26, Section 1.

Same in line 27, Section 1.

Very respectfully,

GEO. LESTER, JR., Ass't Secretary of the Senate."

"Helena, Montana, February 20, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 49, introduced by Rodgers, was this day read third time and concurred in, as amended by Committee on Judiciary, title agreed to, and is herewith transmitted to the House for concurrence in Senate amendments.

Amend House Bill No. 49, by striking out the word "Heretofore" in line 18 of the original bill and insert in said line 18 after the word "Issued," the words "More than eight (8) years prior to the passage of this act."

Very respectfully,

GEO. LESTER, JR., Ass't. Secretary of the Senate."

"Helena, Montana, February 20, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 112, introduced by McLeod, was this day read third time and concurred in as amended by Committee on Judiciary, title agreed to and is herewith transmitted to the House for concurrence in Senate amendments. Amendments attached.

'February 14th, 1923.

Mr. President:

We, your Committee on Judiciary, to whom was referred House Bill No. 112, introduced by McLeod, being a Bill for an Act entitled: "An Act to amend Section 4465 of the Revised Codes of Montana, 1921, relating to the jurisdiction and powers of county commissioners, by amending subdivision 5 thereof."

Having had the same under consideration, beg leave to report and recommend that said bill be amended to read as follows:

Section 1. That Section 4465 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

Section 4465. General and Permanent Powers. The board of county commissioners has jurisdiction and power under such limitations and restrictions as are prescribed by law:

1. To supervise the official conduct of all county officers, and officers of all districts and other subdivisions of the county, charged with assessing, collecting, safe keeping, management, or disbursement of the public revenues; see that they faithfully perform their duties; direct prosecutions for delinquencies; and, when necessary, require them to renew their official bonds, to make reports and to present their books and accounts for inspection.

2. To divide the counties into township, school, road, and other districts required by law, change the same, and create others as convenience requires.

3. To establish, abolish, and change election precincts, and to appoint judges of election, canvass all election returns, declare the result, and issue certificates thereof.

4. To lay out, maintain, control, and manage public highways, ferries, and bridges, within the county, and levy such tax therefor as required by law; provided, however, that they may, in the exercise of a sound discretion, jointly with other counties, lay out, maintain, control, manage, and improve public highways, ferries, and bridges in adjacent counties, wholly or in such part as may be agreed upon between the boards of county commissioners of the counties concerned, and levy taxes therefor as provided by law.

5. To provide for the care and maintenance of the indigent sick or the otherwise dependent poor of the county; erect and maintain hospitals therefor, or otherwise provide for the same; and to levy necessary taxes therefor, per capita, not exceeding two dollars (\$2.00), and a tax on property not exceeding three-fifths of one per cent (1%); or either of such levies when both are not required, and to expend not to exceed five per cent (5%) of any such levy for the collection of said per capita tax, or of any part thereof.

6. To provide a farm for the support of the poor of the county, and make regulations for working the same.

7. When there are no necessary county buildings, to provide suitable rooms for county purposes.

8. To purchase, receive by donations, or lease any real or personal property necessary for the use of the county, preserve, take care of, manage, and control the same; but no purchase of real property must be made unless the value of the same has been previously estimated by three disinterested citizens of the county appointed by the district judge for that purpose, and no more than the appraised value must be paid therefor.

9. To cause to be erected and furnished a court-house, jail, hospital, and such other public buildings as may be necessary.

10. To sell at public auction at the court-house door, after thirty days' previous notice, given by publication in a newspaper of the county, or posted in five public places of the county, and convey to the highest bidder, for cash, any property, real or personal, belonging to the county, paying the proceeds into the county treasury for the use of the county.

11. At the regular meetings of the board, to examine and allow the accounts of all officers having the care, management, collection, or disbursement of moneys belonging to the county, or appropriate by law or otherwise for its use and benefit.

12. At the regular meetings of the board to examine, settle, and allow all accounts legally chargeable against the county, except salaries of officers, and order warrants to be drawn on the county treasurer therefor, and provide for the issuing of the same.

13. To levy such tax annually on the taxable property of the county for county purposes as may be necessary to defray the current expenses therefor, including salaries otherwise unprovided for, not exceeding sixteen mills on each dollar of the assessed valuation for any one year; and to levy such taxes as are required to be levied by special or local statutes.

14. To equalize the assessments.

15. To direct and control the prosecution and defense of all suits to which the county is a party.

16. To insure the county buildings in the name of and for the benefit of the county.

17. To grant licenses for keeping ferries, and such other licenses as are provided by law.

18. To fix the compensation of all county officers not otherwise in this code or by general or special law fixed, and provide for the payment of the same.

19. To fill by appointment all vacancies that may occur in county, township, or precinct offices, except in the office of county commissioner.

20. To contract for the county printing, and provide books and stationery for county officers.

21. At the adjournment of each session of the board, to cause to be published in a newspaper, or otherwise, a fair statement of all its proceedings, and annually a statement of the financial condition of the county.

22. To represent the county, and have the care of county property, and the management of the business and concerns of the county in all cases where no other provision is made by law.

23. To make and enforce such rules for its government, the preservation of order, and the transaction of business, as may be necessary.

24. To adopt a seal for the board, a description and impression whereof must be filed by the clerk in the offices of the county clerk and secretary of state.

25. To perform all other acts and things required by law not in this title enumerated, or which may be necessary to the full discharge of the duties of the chief executive authority of the county government.

26. To borrow money upon the credit of the county to meet current expenses, if the county revenue is insufficient.

27. To issue on the credit of the county coupon bonds to an amount sufficient to secure the necessary funds for the procurement of necessary building sites, for the construction of necessary public buildings, and for the construction of bridges and highways, in accordance with the provisions of articles 3 and 4, Chapter 2, Title 2, Part 4 of the Political Code. (See note).

And as so amended, said bill be concurred in.

(Signed): STEWART, Chairman.'

Very respectfully,

GEO. LESTER, JR., Ass't. Secretary of the Senate."

"Helena, Montana. February 20, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 75, introduced by Sandy, was this day read third time and concurred in as amended, by Committee on Judiciary, title agreed to and is herewith transmitted to the House for concurrence in Senate amendments. Amendments attached.

'February 14, 1923.

Mr. President:

We, your Committee on Judiciary, to whom was referred House Bill No. 75, introduced by Sandy, being a Bill for an Act entitled: "An Act to amend subdivision 1 of Section 5030 of the Revised Codes of Montana, 1921, relating to the powers of mayors."

Having had the same under consideration; beg leave to report and recommend that said bill be amended to read as follows:

Section 1. That Section 5030 of the Revised Codes of Montana, 1921, be and the same is hereby amended so as to read as follows:

Section 5030. Powers of Mayor. The mayor is the chief executive officer of the city or town, and has power:

1. To nominate, and with the consent of the council to appoint all non-elective officers of the city or town provided by the council, except the assistants, clerks and stenographers of the city or town treasurer, which said assistants, clerks and stenographers of said city or town treasurer shall be nominated by the said treasurer, and also except as provided in this title.

2. To suspend, and, with the consent of the council, to remove any non-elective officer, stating in the suspension or removal the cause thereof.

3. To cause the ordinances of the city or town to be executed, and to supervise the discharge of official duty by all subordinate officers.

4. To communicate to the council, at the beginning of every session, and oftener if deemed necessary, a statement of the affairs of the city or town, with such recommendations as he may deem proper.



5. To recommend to the council such measures connected with the public health, cleanliness, and ornament of the city or town, and the improvement of the government and finances, as he deems expedient.

6. To approve all ordinances and resolutions of the council adopted by it, and in case the same do not meet his approbation, to return the same to the next regular meeting of the council, with his objections in writing, and no ordinance or resolution so vetoed by the mayor must go into effect unless the same be afterwards passed by two-thirds vote of the whole number of members of the council.

7. To veto any objectionable part of a resolution or ordinance, and approve the other parts. If the mayor fails to return any resolution or ordinance as aforesaid, the same takes effect without further action.

8. To call special meetings of the council, and when so called he must state by message the object of the meeting, and the business of the meeting must be restricted to the object stated.

9. To cause to be presented, once in three months, a full and complete statement of the financial condition of the city or town.

10. To bid in for the city or town any property sold at a tax or judicial sale, where the city or town is a party or interested.

11. To procure and have in his custody the seal of the city or town.

12. To take and administer oaths.

13. To call on every male citizen of the city or town, over the age of eighteen years, to aid in the enforcement of the laws and ordinances in case of riots; to call out the militia to aid him in suppressing the same or other disorderly conduct, preventing and extinguishing fires, for securing the peace and safety of the city, or for carrying into effect any law or ordinance; and any person who does not obey such call forfeits to the city or town a fine not exceeding twenty-five dollars.

14. To require of any of the officers of a city or town an exhibit of his books and papers.

15. To grant pardons and remit fines and forfeitures for offenses against city or town ordinances, when in his judgment public justice would be thereby subserved; but he must report all pardons granted, with the reasons therefor, to the next council.

16. To perform such other duties as may be prescribed by law or by resolution or ordinance of the council.

17. He has such power as may be vested in him by ordinance of the city or town, in and over all places within five miles of the boundaries of the city or town, for the purpose of enforcing the health and quarantine ordinances and regulations thereof.

And that as so amended, said bill be concurred in.

(Signed): STEWART, Chairman."

Very respectfully,

GEO. LESTER, JR., Ass't. Secretary of the Senate."

"Helena, Montana, February 20, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 53, introduced by Brandjord, was this day read third time and concurred in as amended by Committee on Finance and Claims, title agreed to, and is herewith transmitted to the House for concurrence in Senate amendments.

Amend the title by striking out after the word "bonds" in line 6, the words, "or straight term bonds."

Striking out in line 8 the word "various" and place in lieu thereof the word "two."

Amend Section 1, by striking out in line 22 after the word "bonds" all of remaining part of said section.

Amend Section 2, by striking out all of Subdivision 3.

Amend Section 3, line 19, by striking out the words "straight term bonds or."

Amend Section 3, line 26, after the words "first choice," by inserting the words "and."

Amend Section 3, by striking out after the words "second choice," in line 26 the words, "and that straight term bonds are the last choice."

And that as so amended, House Bill No. 53 be concurred in.

Also add to Section 3 of House Bill No. 53, the following sentence: "provided, however, that this act shall not be so construed as to authorize a higher rate of interest on any kind or class of bond than six per centum per annum."

Very respectfully,

GEORGE LESTER, JR., Ass't. Secretary of the Senate."

"Helena, Montana, February 20, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 35, introduced by McCarty, was this day read third time and concurred in, as amended by Committee on Privileges and Elections, title agreed to and is herewith transmitted to the House for concurrence in Senate amendments.

Very respectfully,

GEO. LESTER, JR., Ass't. Secretary of the Senate."

#### OTHER COMMUNICATIONS.

"Helena, Montana, February 20, 1923.

The Speaker,

House of Representatives,  
Helena, Montana.

I have the honor to inform you that I have this day signed House Bill No. 50, "An Act to amend Sections 4614 and 4622 of the Revised Codes of Montana, 1921, relating to County Bonds."

JOS. M. DIXON, Governor."

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received:

"Mr. Speaker:

We, your Committee on Appropriations having had under consideration H. B. No. 387, introduced by Appropriations Committee, "An Act appropriating money for the payment of deficiency claims on account of requisitions becoming due during the year ending February, 28th, 1923," respectfully report as follows:

That H. B. No. 387 do pass.

BUELL, Chairman."

On motion of Buell, report adopted.

"Mr. Speaker:

We, your Committee on Appropriations having had under consideration H. B. No. 384, introduced by Appropriations Committee, "An Act appropriating money for the payment of deficiency claims on account of transporting of prisoners becoming due during the year ending February 28th, 1923," respectfully report as follows:

That H. B. No. 384 do pass.

BUELL, Chairman."

On motion of Buell, report adopted.

"Mr. Speaker:

We, your Committee on Appropriations having had under consideration H. B. No. 385, introduced by Appropriations Committee, "An Act appropriating money for the payment of deficiency claims on account of legislative printing of the 17th Legislative Assembly," respectfully report as follows:

That H. B. No. 385 do pass.

BUELL, Chairman."

On motion of Buell, report adopted.

"Mr. Speaker:

We, your Committee on Appropriations having had under consideration H. B. No. 386, introduced by Appropriations Committee, "An Act appropriating money for the payment of deficiency claims in account of feeding drug addicts

becoming due during the year ending February 28th, 1923," respectfully report as follows:

That H. B. No. 386 do pass.

BUELL, Chairman."

On motion of Buell, report adopted.

"Mr. Speaker:

We, your Committee on Livestock and Public Ranges, having had under consideration H. B. No. 156, introduced by Gullidge, being a Bill for an Act entitled: "An Act to amend Section 3348 of the Revised Codes of Montana of 1921, relating to licenses to sell meat," respectfully report as follows:

That we recommend that House Bill No. 156 do not pass.

LEAVENS, Chairman."

On motion of Perrine, report adopted.

"Mr. Speaker:

We, your Committee on Livestock and Public Ranges, having had under consideration S. B. No. 189, introduced by Committee on Stockgrowing and Grazing, being a Bill for an Act entitled: "An Act to amend Section 2083 of the Revised Codes of Montana, 1921, relating to bounties on predatory animals," respectfully report as follows:

That we recommend that Senate Bill No. 189 be concurred in.

LEAVENS, Chairman."

On motion of Perrine, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration S. B. No. 154, by Griffin, entitled, "An Act to amend Section 2211 of the Revised Codes of Montana of 1921, relating to redemption from tax sale and payment of tax by incumbrance," respectfully report as follows:

That S. B. No. 154 be amended by striking out in Section 1, lines 23 and 24, the words, "if the same," and insert in lieu thereof the words, "the same as if said property," and that as so amended the bill be concurred in.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration S. B. No. 181, by Committee on Judiciary, entitled, "An Act to approve, legalize and adopt as the laws of Montana the Revised Codes of Montana of 1921, prepared by the Code Commissioner appointed by authority of Chapter 195 of the laws of the Sixteenth Legislative Assembly of Montana of 1919," respectfully report as follows:

That S. B. No. 181 be concurred in.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Townships and Counties, having had under consideration S. B. No. 48, introduced by Garber, a Bill for an Act entitled: "An Act amending Section 4736, Revised Codes of Montana 1921, relating to certain duties of county officials," respectfully report as follows:

That S. B. No. 48 be referred back to the House with the recommendation that it do not be concurred in.

SPENCER, Chairman."

On motion of Spencer, report adopted.

"Mr. Speaker:

We, your Committee on Revenue and Taxation, having had under consideration S. B. No. 171, by Mears, a Bill for an Act entitled: "An Act defining the meaning of 'property,' 'value of property,' 'taxable value' and 'assessed value,' and other expressions in the limitations upon levying, or in any statute, law, or rule imposing, taxes in the State of Montana," respectfully report as follows:

That S. B. No. 171 be concurred in.

SWIFT, Chairman."

On motion of Swift, report adopted.



"Mr. Speaker:

We, your Committee on Railroads, having had under consideration Senate Sub-Joint Resolution No. 2, introduced by the Committee on Railroads as substitute for Senate Joint Memorial No. 2, respectfully report as follows:

That we recommend that said Senate Sub-Joint Resolution No. 2, as substitute for Senate Joint Memorial No. 2, be concurred in.

DEAN, Chairman."

On motion of Stoner, report adopted.

### INTRODUCTION OF BILLS AND MEMORIALS.

The following bills were introduced, read first and second times and referred to committees as follows:

H. B. No. 388, by Appropriations Committee: "A Bill for an Act entitled: 'An Act appropriating money for the payment of deficiency claims of various claimants for the year of 1919, as provided by Chapter 49 of the Laws of Montana of 1915.'" (Committee on Appropriations.)

### MOTIONS AND RESOLUTIONS.

Moved by Maury, and duly seconded that the Committee on Highways be required to report on Substitute for Senate Bill No. 105 at the opening of the House tomorrow.

Moved by Gullidge, as a substitute, and duly seconded, that further action on Sub. Senate Bill No. 105 be indefinitely postponed.

Previous question moved by Boorman, duly seconded and carried.

Roll call demanded by Maury, duly seconded.

Terrett demanded a call of the House, seconded by fifteen members.

Moved by Davis of Wibaux, duly seconded and carried, that further action under call of the House be dispensed with.

Question arising on the motion to indefinitely postpone, the same carried by the following vote:

Ayes: Andrus, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Brandjord, Bray, Bricker, Buchanan, Burke, Buttelman, Cady, Carlson (McCone), Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Elliott, Facey, Flynn, Gullidge, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kennedy, Kenyon, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Loble, McAfee, McCormack, Maury, Myrick, Nelson, Ostby, Peden, Perrine, Pilgeram, Pope, Ruffcorn, Sandy, Seidensticker, Smith, Spencer, Stoner, Strange, Swift, Taylor, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—65.

Noes: Andrew, Armstrong, Bosley, Caplis, Carlson (Gallatin), Cavanaugh, Cowley, Denny, Duffy, English, Fulsher, Gillin, Goodman, Hamilton, Kelly (Pondera), Kinville, Lemmon, McCarty, McLeod, Murphy, Mushbach, O'Connell, Oker, Rasmussen, Ridle, Rodgers, Scharnikow, Smethurst, Stoddard, Terrett. Total—30.

Absent and not voting: Buell, Gillette, Kelly (Silver Bow), Roscow, Tawney. Total—5.

Moved by Perrine, duly seconded, that the House reconsider its action in indefinitely postponing action on Substitute for S. B. No. 105.

Moved by Lease, duly seconded, that the motion to reconsider be laid upon the table.

Roll call demanded by Maury, duly seconded, the motion to table motion to reconsider carried, the vote being as follows:

Ayes: Andrus, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Brandjord, Bray, Bricker, Buchanan, Buttelman, Buell, Burke, Cady, Carlson (McCone), Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Elliott, Facey, Flynn, Gullidge, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kennedy, Kenyon, Larson (Richland), Larsen (Sheridan), Lease, Loble, McAfee, McCormack, Myrick, Nelson, Ostby, Peden, Perrine, Pilgeram, Pope, Ruffcorn, Sandy, Seidensticker, Smith, Spencer, Stoner, Swift, Taylor, Tierney, Troy, Wold, Zuck. Total—62.

Noes: Andrew, Armstrong, Bosley, Caplis, Carlson (Gallatin), Cavanaugh, Cowley, Denny, Duffy, English, Fulsher, Gillin, Goodman, Hamilton, Kelly (Pondera), Kinville, Lemmon, McCarty, McLeod, Maury, Murphy, Mushbach,

O'Connell, Oker, Rasmussen, Ridle, Rodgers, Scharnikow, Smethurst, Stoddard, Terrett, Mr. Speaker. Total—32.

Absent and not voting: Gillette, Kelly (Silver Bow), Leavens, Roscow, Strange, Tawney. Total—6.

Moved by Swift, duly seconded and carried, that Senate Bill No. 50 be recalled from the Committee on State Boards and Officers and be referred to the Committee on Development and publicity.

Moved by Hawley, duly seconded and carried, that House Joint Resolution No. 3 be taken from General Orders and be referred to the Committee on Federal Relations.

### THIRD READING OF SENATE BILLS.

Moved by Gullidge, duly seconded and unanimously carried, that all bills on third reading be read by title and history only.

Moved by Terrett, duly seconded and carried, that action on Senate Bill No. 81 be deferred.

S. B. No. 63, by Hazelbaker, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cowley, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushback, Myrick, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Taylor, Terrett, Troy, Wold, Zuck, Mr. Speaker. Total—89.

Noes: None.

Absent and not voting: Andrew, Buell, Gillette, Holton, Kelly (Silver Bow), Nelson, Rodgers, Roscow, Swift, Tawney, Tierney. Total—11.

Moved by Terrett, duly seconded and carried, that action on Senate Bill No. 74 be deferred.

S. J. M. No. 5, by Duncan and Church, having been read three several times was concurred in without dissenting vote.

### THIRD READING OF HOUSE BILLS.

H. B. No. 360, by Appropriations Committee, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Buttelman, Cady, Caplis, Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Lemmon, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Pilgeram, Pope, Rasmussen, Ridle, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Taylor, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—86.

Noes: Cowley. Total—1.

Absent and not voting: Bernard, Buell, Burke, Carlson (Gallatin), Gillette, Kelly (Silver Bow), Leavens, Loble, Perrine, Rodgers, Roscow, Swift, Tawney. Total—13.

H. B. No. 361, by Committee on Appropriations, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Buell, Burke, Cady, Caplis, Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Wi-



baux), Dean, Dell, Denny, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Lemmon, McAfee, McCarty, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pope, Rasmussen, Ridle, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Terrett, Tierney, Troy, Wold, Mr. Speaker. Total—82.

Noes: Cowley, Davis (Fergus). Total—2.

Absent and not voting: Bernard, Buttelman, Carlson (Gallatin), Duffy, Gillette, Kelly (Silver Bow), Leavens, Loble, McCormack, Pilgeram, Rodgers, Roscow, Swift, Taylor, Tawney, Zuck. Total—16.

H. B. No. 367, by Caplis, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Bohling, Boorman, Bosley, Brandjord, Bricker, Buchanan, Buell, Burke, Buttelman, Cady, Caplis, Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, English, Facey, Flynn, Fulsher, Gillin, Gullidge, Goodman, Hamilton, Hanson, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Lemmon, McAfee, McCormack, McLeod, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Ruffcorn, Sandy, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Terrett, Tierney, Troy, Zuck, Mr. Speaker. Total—83.

Noes: Cowley, Maury. Total—2.

Absent and not voting: Bernard, Bray, Carlson (Gallatin), Elliott, Gillette, Harris, Kelly\* (Silver Bow), Leavens, Loble, McCarty, Rodgers, Roscow, Scharnikow, Tawney, Wold, Total—15.

H. B. No. 309, by Fulsher, by request, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Bohling, Boorman, Brandjord, Bricker, Buchanan, Buell, Burke, Buttelman, Cady, Caplis, Carlson (McCone), Cavanaugh, Clarke, Cowley, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kenyon, Kelly (Pondera), Kennedy, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Lemmon, McAfee, McCormack, McLeod, Maury, Murphy, Mushbach, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Ruffcorn, Scharnikow, Seidensticker, Smethurst, Smith, Stoddard, Stoner, Swift, Terrett, Tierney, Troy, Wold, Zuck. Total—79.

Noes: Mr. Speaker. Total—1.

Absent and not voting: Andrew, Bernard, Bosley, Bray, Carlson (Gallatin), Gillette, Hamilton, Hanson, Kelly (Silver Bow), Leavens, Loble, McCarty, Myrick, Rodgers, Roscow, Sandy, Spencer, Strange, Taylor, Tawney. Total—20.

H. B. No. 359, by Committee on Appropriations, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrus, Armstrong, Baker, Benedict, Bergstrom, Berryman, Bohling, Boorman, Brandjord, Bray, Bricker, Buchanan, Buell, Buttelman, Cady, Caplis, Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gillin, Gullidge, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Lemmon, Loble, McAfee, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—81.

Noes: Burke, Cowley. Total—2.

Absent and not voting: Andrew, Arnold, Bernard, Bosley, Carlson (Gallatin), Gillette, Goodman, Hamilton, Hanson, Kelly (Silver Bow), Leavens, McCarty, O'Connell, Roscow, Ruffcorn, Sandy, Tawney. Total—17.

H. B. No. 284, by Facey, Denny, Swift and Maury, having been read three several times and title and history agreed to, was passed by the following vote:



Ayes: Andrus, Armstrong, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Brandjord, Bray, Bricker, Buchanan, Buell, Burke, Buttelman, Caplis, Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Elliott, English, Facey, Flynn, Fulsher, Gillin, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Lemmon, Loble, McAfee, McCarty, McCormack, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Ostby, Perrine, Pilgeram, Rasmussen, Ridle, Rodgers, Ruffcorn, Scharnikow, Seidensticker, Smith, Stoddard, Stoner, Strange, Swift, Terrett, Troy, Wold, Zuck, Mr. Speaker. Total—74.

Noes: Cowley, Duffy, Gullidge, Smethurst. Total—4.

Absent and not voting: Andrew, Arnold, Boorman, Bosley, Cady, Carlson (Gallatin), Gillette, Goodman, Hamilton, Hanson, Kelly (Silver Bow), Leavens, McLeod, Oker, Peden, Pope, Roscow, Sandy, Spencer, Taylor, Tawney, Tierney. Total—22.

Moved by Gullidge, duly seconded and carried that the House recess until 2:00 o'clock p. m.

#### AFTERNOON SESSION.

House resumed at 2:00 p. m.

Mr. Speaker in the chair.

#### THIRD READING OF HOUSE BILLS.

H. B. No. 222, by Committee on Appropriations, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Armstrong, Arnold, Baker, Benedict, Berryman, Bohling, Brandjord, Bray, Bricker, Buchanan, Buell, Burke, Buttelman, Cady, Caplis, Carlson (McCone), Cavanaugh, Clarke, Davis (Fergus), Davis (Wibaux), Dean, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Larsen (Sheridan), Lease, Leavens, Lemmon, McAfee, McLeod, Maury, Murphy, Mushbach, Myrick, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Stoddard, Strange, Swift, Terrett, Tierney, Troy, Wold, Mr. Speaker. Total—75.

Noes: Bosley. Total—1.

Absent and not voting: Andrus, Bergstrom, Bernard, Boorman, Carlson (Gallatin), Cowley, Cronk, Dell, Denny, Gillette, Hamilton, Kelly (Silver Bow), Kinville, Larson (Richland), Loble, McCarty, McCormack, Nelson, Roscow, Spencer, Stoner, Taylor, Tawney, Zuck. Total—24.

Moved by Gullidge, duly seconded and carried that House Bill No. 362 be taken from third reading and placed on General Orders.

H. B. No. 328, by Seidensticker, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Berryman, Bohling, Bricker, Buchanan, Buell, Burke, Buttelman, Cady, Caplis, Carlson (McCone), Cavanaugh, Clarke, Cowley, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, McAfee, McLeod, Murphy, Mushbach, Myrick, Nelson, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Terrett, Troy, Wold, Mr. Speaker. Total—76.

Noes: Bosley. Total—1.

Absent and not voting: Bergstrom, Bernard, Boorman, Brandjord, Bray, Carlson (Gallatin), Gillette, Hamilton, Hanson, Kelly (Silver Bow), Kinville, Loble, McCarty, McCormack, Maury, O'Connell, Roscow, Ruffcorn, Swift, Taylor, Tawney, Tierney, Zuck. Total—23.

Cady requested and was granted unanimous permission for Committee on Fish and Game to be excused for committee work.

Upon request of of Scharnikow, and with unanimous consent, Senate Bills Nos. 81 and 74, which were deferred, were read third time.

### THIRD READING OF SENATE BILLS.

S. B. No. 81, by Committee on Stock Growing and Grazing, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Bohling, Bosley, Bray, Bricker, Buchanan, Buell, Burke, Buttelman, Cady, Caplis, Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dell, Denny, Elliott, English, Facey, Flynn, Gillin, Goodman, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kennedy, Kenyon, Lease, Leavens, Lemmon, McAfee, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Sandy, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Strange, Taylor, Terrett, Troy, Wold, Zuck, Mr. Speaker. Total—72.

Noes: Duffy, Larsen (Sheridan), Stoner. Total—3.

Absent and not voting: Bernard Boorman, Brandjord, Carlson (Gallatin), Cowley, Dean, Fulsher, Gillette, Gullidge, Hamilton, Hanson, Kelly (Pondera), Kelly (Silver Bow), Kinville, Larson (Richland), Loble, McCarty, McCormack, O'Connell, Roscow, Ruffcorn, Scharnikow, Swift, Tawney, Tierney. Total—25.

S. B. No. 74, by Committee on Stock Growing and Grazing, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Buell, Burke, Buttelman, Caplis, Carlson (McCone), Cavanaugh, Clarke, Cowley, Cronk, Davis (Wibaux), Dean, Dell, Denny, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kennedy, Kenyon, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, McAfee, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Ruffcorn, Sandy, Seidensticker, Smethurst, Smith, Stoddard, Stoner, Strange, Taylor, Terrett, Tierney, Troy, Wold, Zuck. Total—79.

Noes: Duffy, Mr. Speaker. Total—2.

Absent and not voting: Bernard, Cady, Carlson (Gallatin), Davis (Fergus), Gillette, Hamilton, Hanson, Kelly (Pondera), Kelly (Silver Bow), Kinville, Loble, McCarty, McCormack, O'Connell, Roscow, Scharnikow, Spencer, Swift, Tawney. Total—19.

### CONSIDERATION OF GENERAL ORDERS.

Moved by Gullidge, duly seconded and carried that the House resolve itself into a Committee of the Whole for the consideration of General Orders; that all bills be read by title, history and section number only, open to amendment; that debate be limited to five minutes for proponents and opponents of each bill, and two minutes for each amendment; that no one be permitted to give his time to another.

Goodman in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole, having had under consideration bills on General Orders, respectfully report back with the recommendation that:

H. B. No. 362, be amended as follows:

Section 1 by striking out in line 4 the words and figures "February 28, 1923," and inserting in lieu thereof the words and figures "June 30, 1923."

The title by striking out in line 3 and 4 of the title the words and figures "February 28 1923," and inserting in lieu thereof the words and figures "June 30, 1923."

H. B. No. 363, do pass.

S. B. No. 24 be concurred in.

S. B. No. 4, be concurred in.

S. B. No. 72 be concurred in.

S. B. No. 73 be concurred in.

Sub. for S. B. 1 and 19, be placed at the bottom of the list on General Orders.

S. B. No. 77 be concurred in.

S. B. No. 78 be concurred in.

S. B. No. 96 be concurred in.

S. B. No. 90 be concurred in.

S. B. No. 92 be concurred in.

S. B. No. 99 be amended as follows:

Section 1 by adding in line 20 of the printed bill after the word "three" the words "and not over five," also add a new line to be known as line 20-1/2 to read "Trucks over five tons capacity two hundred dollars."

Section 1 by striking out in line 8 the word "exclusive" and adding after the word "accessories" the words "where volume exceeds \$200.00 per year."

And when so amended, be concurred in.

And that the committee arise and report with the privilege of sitting again.

Moved by Goodman, duly seconded, that report be adopted.

Moved by Duffy, duly seconded, that Senate Bill No. 24 be segregated from the report of the Committee of the Whole.

Roll call was demanded by Duffy, duly seconded. The motion to segregate failed, the vote being as follows:

Ayes: Andrew, Armstrong, Benedict, Bosley, Burke, Cavanaugh, Davis (Fergus), Dell, Denny, Duffy, English, Flynn, Fulsher, Kelly (Pondera), Kenyon, Lemmon, Loble, McAfee, Maury, Murphy, O'Connell, Oker, Rasmussen, Scharnikow, Smethurst, Stoddard, Terrett, Tierney, Troy. Total—29.

Noes: Andrus, Arnold, Baker, Bergstrom, Bernard, Berryman, Bohling, Boorman, Brandjord, Bray, Bricker, Buchanan, Buell, Buttelman, Cady, Carlson (Gallatin), Carlson (McCone), Clarke, Cronk, Davis (Wibaux), Dean, Facey, Goodman, Gullidge, Hamilton, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kennedy, Larson (Richland), Larsen (Sheridan), Lease, Leavens, McCormack, McLeod, Mushbach, Myrick, Nelson, Ostby, Perrine, Pilgeram, Pope, Ridle, Rodgers, Ruffcorn, Sandy, Seidensticker, Smith, Spencer, Stoner, Strange, Swift, Taylor, Wold, Zuck, Mr. Speaker. Total—59.

Absent and not voting: Caplis, Cowley, Elliott, Gillette, Gillin, Hanson, Kelly (Silver Bow), Kinville, McCarthy, Peden, Roscow, Tawney. Total—12.

The question then arising on the motion to adopt the report of the Committee of the Whole, same carried.

The Committee on Printing reported as follows:

"Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bill No. 171, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman."

Moved by Gullidge, duly seconded and carried, that the House resolve itself into a Committee of the Whole to resume work on General Orders, with the same restrictions as in the previous sitting.

Smethurst in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole, having had under consideration bills on General Orders, respectfully report back with the recommendation that:

S. B. No. 39, be placed at the foot of the list on General Orders as now constituted.

S. B. No. 21, be concurred in.

S. B. No. 57, be concurred in.

S. B. No. 38, be amended as follows:



Section 1 by striking out in line 5 of the printed bill after the word "Insurance" the word "and."

And when so amended, be concurred in.

S. B. No. 68, be concurred in.

S. B. No. 16, be placed at the foot of the list on General Orders.

SMETHURST, Chairman."

On motion of Smethurst, report adopted.

The Committee on Engrossment reported as follows:

We, your Committee on Engrossment, to whom was referred H. B. Nos. 362 and 363, beg leave to report same back correctly engrossed.

LARSON of Richland, Chairman."

Moved by Boorman, duly seconded and carried, that a special order of business be ordered for tomorrow morning at 11 o'clock for the observation of the anniversary of Washington's birthday.

Moved by Gullidge, duly seconded and carried, that the House adjourn until Thursday, February 22, at 10:00 a. m.

CALVIN CRUMBAKER, Speaker.

Attest: JAMES A. SHOEMAKER, Chief Clerk.

### FIFTY-THIRD DAY

House of Representatives,  
February 22, 1923.

House convened pursuant to adjournment at 10:00 a m.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Upon roll call all members present except: Caplis, Kelly of Silver Bow, Tawney, absent; Gillette, Stoner, excused.

The Committee on Journal reported as follows:

"Mr. Speaker:

We, your Committee on Journal, have this day examined the Journal for the 52nd legislative day and found the same correct.

BUCHANAN, Chairman."

Report adopted.

### COMMUNICATIONS AND PETITIONS.

### COMMUNICATIONS FROM THE SENATE.

"February 21, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following House Bills were this day introduced, read first and second times, and referred to committees as follows:

House Bill No. 188, introduced by Fulsher. Committee on Judiciary.

House Bill No. 281, introduced by Committee on Livestock and Public Range. Referred to Committee on Stockgrowing and Grazing.

House Bill No. 243, introduced by B. Carlson. Committee on Fish and Game.

House Bill No. 296, introduced by Caplis and others. Referred to Committee on Counties and Towns.

House Bill No. 286, introduced by Stoddard. Committee on Fish and Game.

House Bill No. 294, introduced by Duffy. Committee on Counties and Towns.

House Bill No. 206, introduced by Oker. Committee on Oils and Leases.

House Bill No. 262, introduced by Pope. Committee on Labor and Capital.

House substitute for House Bill No. 218, introduced by Committee on Education. Committee on Education.

House Bill No. 251, introduced by Stoner. Committee on Compensation.

House Bill No. 183, introduced by Caplis. Committee on Compensation.

House Bill No. 154, introduced by Fulsher. Committee on Fish and Game.

House Bill No. 327, introduced by Committee on Appropriations. Referred to Committee on Finance and Claims.

House Bill No. 324, introduced by Boorman. Committee on Public Morals.

House Bill No. 375, introduced by Committee on Ways and Means. Referred to Committee on Finance and Claims.

House substitute for House Bill No. 138, introduced by Committee on Banks and Banking. Referred to Committee on Banks and Banking.

House Bill No. 314, introduced by Ruffcorn. Committee on Agriculture.

House Bill No. 193, introduced by Cady. Committee on Compensation.

House Bill No. 354, introduced by Committee on Highways. Referred to Committee on Road and Highway.

House Bill No. 162, introduced by Troy. Committee on Judiciary.

House Bill No. 195, introduced by McCormack. Committee on Judiciary.

House Bill No. 335, introduced by Troy. Committee on Taxation.

House Bill No. 285, introduced by Gullidge, by request. Referred to Committee on Education.

House Bill No. 168, introduced by Burke. Referred to Committee on Judiciary.

House Bill No. 304, introduced by Gullidge and Spencer. Committee on Education.

House Bill No. 249, introduced by Nelson. Committee on Counties and Towns.

House Bill No. 255, introduced by Pilgeram. Referred to Committee on Elections and Privileges.

House Bill No. 272, introduced by Larsen of Sheridan. Referred to Committee on Banks and Banking.

House Bill No. 303, introduced by Bricker, Kenyon and Scharnikow. Referred to Committee on Finance and Claims.

House Bill No. 317, introduced by Troy. Referred to Committee on Judiciary.

House Sub. for 104, introduced by Revenue and Taxation. Referred to Committee on Taxation.

House Sub. for H. B. No. 107, introduced by Committee on Judiciary. Referred to Committee on Finance and Claims.

House Sub. for H. B. No. 129, introduced by Committee on Judiciary. Referred to Committee on Counties and Towns.

House Sub. for H. B. No. 257, introduced by Committee on Highways. Referred to Committee on Roads and Highways.

House Bill No. 253, introduced by Committee on Highways. Referred to Committee on Roads and Highways.

H. B. No. 280, introduced by Committee on Livestock and Public Ranges. Referred to Committee on Stockgrowing and Grazing.

H. B. No. 301, introduced by Smith. Referred to Committee on Judiciary.

H. B. No. 135, introduced by Buchanan and Berryman. Referred to Committee on Counties and Towns.

H. B. No. 283, introduced by Committee on Livestock and Public Ranges. Referred to Committee on Stockgrowing and Grazing.

H. B. No. 181, introduced by Pilgeram. Referred to Committee on Fish and Game.

H. B. No. 186, introduced by Stoner. Referred to Committee on Compensation.

H. B. No. 263, introduced by Taylor. Referred to Committee on Education.

H. B. No. 279, introduced by Committee on Livestock and Public Ranges. Referred to Committee on Stockgrowing and Grazing.

H. B. No. 267, introduced by Andrus. Referred to Committee on Sanitary Affairs.

H. B. No. 219, introduced by Committee on Public Morals, Charities and Reforms. Referred to Committee on Public Morals.

H. B. No. 178, introduced by Myrick and Pilgeram. Referred to Committee on Judiciary.

H. B. No. 278, introduced by Committee on Ways and Means. Referred to Committee on Counties and Towns.

H. B. No. 253, introduced by Pope. Referred to Committee on Education.

H. B. No. 153, introduced by Loble. Referred to Committee on Compensation.

H. B. No. 229, introduced by Committee on Agriculture. Referred to Committee on Agriculture.

H. B. No. 198, introduced by Hoffman. Referred to Committee on Agriculture.

House Joint Memorial No. 7, by Larsen of Sheridan. Referred to Committee on Agriculture.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 21, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee of the Whole to whom was referred business on General File, report and recommend as follows:

That House Bill No. 147, be amended in Section four by striking out lines 4, 5, 6, 7, 8 and 9, beginning with the words "No such warehouseman" and ending with the words "Direction and supervision" and inserting in lieu thereof the words, "No such warehouseman shall sell or otherwise dispose of or deliver out of store except to the owner any stored grain except upon notice in advance to the Department of Agriculture, and after complying in full with the laws of the State and the regulations of the Department of Agriculture relating to the handling of stored grain."

And as so amended recommend same be concurred in.

That House Bill No. 76 be concurred in.

That consideration of House Bill No. 92 be passed.

That House Bill No. 67 be amended in Section 1 by striking out in line 3 after the word "than" the words "fifty dollars, nor more than" and by striking out the word "or" in line 4 and inserting the words "Nor more than one thousand and," and by striking out the words "thirty days" in line 4, and inserting in lieu thereof the words "Six months" and by striking out of line 4 the words "Six months" and inserting the words "Two years," and by striking out after the word "Jail" the words, "or by both such fine and imprisonment."

And, as so amended, recommend same be concurred in.

Very respectfully,

J. F. CONE, Secretary of the Senate."

Moved by Loble, duly seconded and carried, that the following Senate Communications be considered read, and the Journal show same.

"Helena, Montana, February 21, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 131, introduced by Goodman, was this day read third time, and concurred in as amended, title agreed to, and is herewith transmitted to the House for concurrence in Senate amendments.

#### AMENDMENTS

Amend in Section 1 by inserting after the word "Montana" in line 1, the figures "1921."

Amend by striking out in Section 1, line 17, the words "Shall be by him turned into the general fund of the State," and inserting in lieu thereof the words: "Shall be paid by him to the State Treasurer for the credit of the current departmental appropriation."

That another section be added to be known as Section 2 to read as follows:

Section 2. That Section 6080 of the Revised Codes of the State of Montana of 1921 be and the same is hereby amended to read as follows:

"Section 6080. The expense of traveling, hotel bills, and time actually spent in the office of the superintendent of banks in performance of the duties imposed by Section 6079, shall be paid in full by the bank to the State Treasurer for the credit of the current departmental appropriation," and that the title of the bill be amended to include sections 6080 of the Revised Code of Montana 1921.



That another section be added to be known as Section 3 to read as follows:

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

That another section be added to be known as Section 4, to read as follows:

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 21, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following House Bills were this day read third time, and concurred in, title agreed to and are herewith transmitted to the House.

Substitute for House Bill No. 110, introduced by Committee on Ways and Means.

House Bill No. 52, introduced by Bernard.

House Bill No. 146, introduced by McCormack.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 21, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 58, introduced by Rodgers was this day read third time, and concurred in as amended, title agreed to, and is herewith transmitted to the House for concurrence in Senate Amendments.

#### AMENDMENT

Amend in Section 4 by striking out in line 46 the last three words "in the event," and all of line 47, 48, 49, 50, 51.

Amend in Section 5 by inserting in line 3 of the original bill, after the word "bonds," the words "and floating indebtedness."

Amend in Section 5 by striking out in line 7 of the original bill, the word "bonds" and inserting in lieu thereof the word "obligations."

Amend in Section 5 by adding to the section, "and further provided that Section 5285 of the Revised Codes of Montana 1921 shall not apply to the issuance of bonds to take up outstanding warrants."

Very respectfully,

J. F. CONE, Secretary of the Senate."

#### OTHER COMMUNICATIONS

"February 19, 1923.

Chief Clerk,

House of Representatives,  
Helena, Montana.

Dear Sir:

I hand you herewith a copy of Senate File No. 400, which has been passed by both branches of the Legislature and approved by the Governor, inviting a committee from the Legislature of your state, together with other states, to meet at St. Paul February 26th and 27th, for the purpose of taking up the subject matter of the bill enclosed.

Any arrangement made for the appointment of a committee from your state and the time of arrival in St. Paul, will be gladly received in this office, so that we may place it in the hands of the proper parties in charge of the hearing.

Yours truly,

OSCAR ARNESON,

Chief Clerk, House of Representatives."

Introduced by Senator Cliff.

S. F. No. 400.

A JOINT RESOLUTION AUTHORIZING THE APPOINTMENT OF A COMMISSION OF SEVEN MEMBERS OF THE LEGISLATURE — THREE FROM THE SENATE AND FOUR FROM THE HOUSE, TO INVITE CONFERENCE WITH A SIMILAR COMMISSION FROM EACH OF THE STATES OF NORTH DAKOTA, SOUTH DAKOTA AND MONTANA, TO INVESTIGATE AND REPORT ON MATTERS PERTAINING TO GRAIN GRADING, SECURE TERMINAL FACILITIES AND MARKETING OF FARM PRODUCTS, AND AUTHORIZING SUCH COMMISSION TO MAKE SUCH INVESTIGATION AS MAY BE DEEMED NECESSARY TO ENABLE IT TO MAKE FINDINGS AND REPORT RECOMMENDATIONS.

Whereas, there is, and for several years last past, has been wide spread discontent and dissatisfaction among the grain growers of this state and the adjoining states of North Dakota, South Dakota and Montana, with reference to the grading of wheat produced in the spring wheat section of the Northwest, and

Whereas, repeated effort has been made by the Legislatures, public officials and people of said state during a period of several years to secure a modification of the present standards and rules established by the federal authorities for the grading of such grain but no satisfactory relief has so far been secured, protecting the grain growers in the Northwest and the losses that they have, and are, sustaining in consequence of such system of grading, and

Whereas, the failure to secure relief from the evils complained of has aggravated this feeling of discontent and dissatisfaction and at this time it is stronger than at any time in the past and the people are insistently demanding relief from the present system of grain grading and the present system of marketing.

Now, Therefore, Be it Resolved by the Senate, the House of Representatives concurring, that there be appointed a commission to consist of three members of the Senate, to be appointed by the Lieutenant Governor, and four members of the House, to be appointed by the Speaker of the House, who shall have authority to invite conference with a similar commission from the Legislatures of the States of North Dakota, South Dakota and Montana to convene at the city of St. Paul at the earliest date possible to investigate and make findings of facts as to the true cause which gave rise to the present state of dissatisfaction and discontent with our present grain grades and to report recommendations to the Legislatures of their respective states and to Congress and the Secretary of Agriculture and to further investigate and report recommendations as to the passage of such laws as may be deemed advisable to assist in bringing about necessary changes to improve our present system of marketing from products and to report their recommendations with reference thereto.

Be It Further Resolved, that the said committee (the appointment of which is hereby authorized) be and they are hereby empowered to make all necessary investigation, with reference to the subjects named, to examine witnesses and records to such extent as may be deemed necessary to find and report the facts bearing upon the evils connected with our present system of grain grading and grain marketing and to make findings and report recommendations with a view to securing legislation furnishing relief, so far as possible, from the conditions complained of and supplying the producer better terminal marketing facilities'."

#### REPORTS OF SELECT COMMITTEES

The Committee to investigate land at Deer Lodge, reported as follows:  
"To the Eighteenth Legislative Assembly:

We, your Special Committee appointed by this Assembly to investigate the advisability of purchasing farm lands in the State for the benefit of the State Prison, Deer Lodge, Montana, beg leave to report as follows:

According to the Resolution passed by this Assembly we were given instructions to investigate a tract of land consisting of 4700 acres known as the Kohrs-Bielenberg tract, and also a tract of land known as the Valiton ranch.



With reference to the general situation we will say that the State Prison has no land of its own at Deer Lodge. The State is operating a small tract of ground lying north of Deer Lodge which belongs to the State Land Department and using that for the production of a few vegetables and for the production of some pork and this is all the land that the State of Montana uses in connection with the prison. Within twelve miles of Deer Lodge lies the Tuberculosis Hospital at Galen. At this institution the State is paying for help to produce vegetables and garden products and to produce dairy products and we believe that this is a mistake. There are nearly four hundred prisoners at the prison at Deer Lodge and these prisoners if given the opportunity can produce all of the vegetables and dairy products and meat that is consumed by the prison and by the institution at Galen if they have the land to do the work on and we believe that they should have it because it is costing the State considerable money every year to produce these products under present conditions. We believe further that the present method of maintaining the prison without a large ranch in connection for the purpose above mentioned is an expensive and wasteful system and although it will cost money no doubt to buy land it is the most economical way to handle the prison and other institutions such as Galen and Warm Springs and should have been done years ago.

In this connection we wish to say we have very thoroughly gone into the matter of the Valiton ranch and have also looked up the records of the court in regard to suit instituted by the State of Montana against Frank Conley, former Warden of the State Prison, and we find that the State is already interested in this property to the extent of several thousand dollars in improvements that have been made on this ranch. This condition came about through a former prison board authorizing Mr. Conley to get an option on this land with the view of receiving permanent possession of same and all the improvements were made by Mr. Conley with a view of permanency on this ranch.

In going over the entangled accounts between the State and Mr. Conley, we have finally decided to give Mr. Conley \$30,000.00 for the 503 acres known as the Valiton ranch. This purchase price will also include the 1922 crop which approximately amounts to about 400 bushels of oats, 1000 sacks of potatoes, 450 tons of hay and 940 pounds of pork, which value is roughly estimated at \$5,000.00 thus leaving the actual cost of the ranch to the State of Montana at \$25,000.00.

On the Valiton ranch are situated a very expensive and well built set of farm buildings. These buildings were constructed with the view of being used by the State for the care of prisoners and for the operation of this ranch by the prisoners. There is a very large and especially well built machine shed and a very well equipped and well constructed blacksmith shop, a fine well built brick dairy barn, capable of holding sixty or seventy dairy cows, together with room for hay in the loft. Also a well equipped brick kitchen and dining room, also a very well constructed brick root cellar with an upstairs sufficient to hold a number of men to be used for bunk house purposes and well equipped cream and dairy house made of brick; also a twelve or fourteen room brick dwelling house especially well constructed and if built by ordinary labor would cost in the neighborhood of fifteen or twenty thousand dollars. These buildings are an especially splendid set of buildings, well suited to the needs of the prison and are all new. Besides there are other buildings suitable for farm use and we have no hesitation in saying that they are a splendid set of buildings and that if this ranch is purchased by the State there will be no need for the spending of any money for farm buildings for sometime to come.

In looking over the situation in a general way, we feel that if the State of Montana took over the Valiton ranch that they should also own another tract of land lying between the Valiton ranch and the City of Deer Lodge, belonging to Conley and McTague. This would bring the farm property of the State within 200 or 300 feet of the prison property and we most earnestly recommend that the State also purchase what is known as the Bratton ranch consisting of 136 and a fraction acres at \$100.00 per acre and another small tract of land known as the Stellar ranch consisting of 18 and a fraction acres at \$150.00 per acre. The Bratton ranch, like the Valiton ranch, is well equipped for a dairy ranch as far as buildings are concerned, having a large dairy barn, which will hold sixty cows, a large silo and is also equipped with graineries.



milk house and chicken house. These buildings are situated very close to the prison grounds. The soil of these two latter ranches is well adapted for most any kind of farming, and we feel that the price asked for these two strips of land is reasonable and that if the state prison wants farms, which they absolutely must have in order to keep the prisoners occupied and allow them to earn their own living, the State of Montana, the Committee feels can not afford to pass up the buying of these three ranches at this time.

We wish to further state that the water rights on the Bratton ranch are of the very best as it lies under the ditch of the Deer Lodge River, which also supplied the Valiton ranch, and his several good rights out of what is known as the Peterson Creek, and the committee feels that should the water out of the Deer Lodge River fail, they could then divert water out of Peterson Creek to the use on their property.

If these ranches are purchased as we recommend, the State will then own a farm within 300 feet of the prison and we believe this is the most practical and the most satisfactory proposition that the State can put through. The great advantage in this lies in the fact that the prison can handle the property right from the prison and that the prisoners will not need to go outside of the premises very far to get on the prison ranches. It will put the prison and its ranches practically as one property and if the prison authorities see fit they can buy the land from the owners in the City of Deer Lodge and make the property one continuous piece of property. This land lies to the south of the prison and towards the institutions at Galen and Warm Springs and for this reason we also recommend this purchase, not only because of its nearness to the prison but also because of the fact that it lies toward the institutions at Galen and Warm Springs and will make it much easier to get to those institutions than if lands are purchased lying to the north of Deer Lodge.

In regards to the Kohrs and Bielenberg ranch the Committee desires to say that this is a tract of land lying to the south of the Valiton ranch and adjoining it and contains 4700 acres. The ditch from the Deer Lodge River which covers the Valiton ranch also covers the Kohrs & Bielenberg ranch and is owned jointly by these two properties. This ranch can be very easily handled in connection with the Valiton ranch. There is a large portion of this ranch lying on the bench to the south and east of Deer Lodge which we believe could be used for dry land purposes but we believe it is more useful for pasturage, there are also several hundred acres of bottom land in the Kohrs-Bielenberg ranch but your Committee feels that this is a large undertaking and that they would much prefer to see this ranch in the summertime when they can ascertain its value for prison purposes and as to whether the same can be successfully operated in connection with the prison and at a profit. We believe it will be absolutely essential if the prison maintains a dairy herd of any consequence to have pasture and that the State will need several sections of just such land as there is in this ranch for pasture purposes, but your Committee would prefer to look at this property in the summer time, to make a detailed and thorough investigation with reference to this matter and we therefore recommend that this Committee be given authority to make this investigation and if they can make the proper arrangements and suitable terms can be agreed upon, that they might have authority to examine this ranch more fully with a view to determining its value for use in connection with the State Prison.

There are other small tracts of land close to the prison which might be of value to the prison and we believe that this Committee should be authorized to look at them and at any other property near the prison which your Committee might think it desirable and necessary for the State to own.

In view of the forgoing we recommend an appropriation of sufficient size to buy the Valiton and Bratton ranches and the Stellar tract as above mentioned. We further recommend that this Committee be made permanent and that they be given authority to do the things hereinbefore suggested and that they be instructed to go over to Deer Lodge during the summer months and look into the advisability of the purchase of more land for farming purposes for the use of the prison. That an appropriation of \$500.00 or so much thereof as may be necessary be made to cover the expenses of this Committee for that purpose.

We also further recommend that your Special Committee be requested when they have made their examinations as provided in this paragraph, that

they make a written report of their findings in detail, together with their recommendations and that said report and recommendations be presented to the next session of the Legislature for action thereon.

We therefore recommend that the Committee be empowered to do the things hereinbefore recommended and that House Bill No. 260 be amended to conform to the provisions of these recommendations and that as so amended the bill be passed and that said bill contain a provision that the State Board of Examiners may be able to close a deal on the Valiton and other ranches before the fifteenth of March, 1923, in compliance with the decision of the court in what is known as the Conley case.

We also recommend that in the event the Legislative Assembly sees fit to carry out the recommendations that we have heretofore made that an appropriation of \$3500.00 be allowed to cover the expenses of the buying of additional machinery and equipment with which to successfully operate the ranches above mentioned.

LEUTHOLD, Chairman,  
CRONK,  
BUTTLEMAN."

Moved by Cronk, duly seconded and carried that report be adopted, and the Committee be discharged.

#### REPORTS OF STANDING COMMITTEES

The following reports of standing committees were received:

"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration, H. B. No. 388, introduced by Appropriations Committee: "An Act appropriating money for the payment of deficiency claims of the various claimants for the year of 1919, as provided by Chapter 49 of the Laws of Montana 1915," respectfully report as follows:

That H. B. No. 388, do pass.

BUELL, Chairman."

On motion of Hawley, report adopted.

"Mr. Speaker:

We, your Committee on Mines and Mining, having had under consideration, S. J. R. No. 3, introduced by Mines and Mining Committee, respectfully report as follows:

That S. J. R. No. 3, be concurred in.

MCLEOD, Chairman."

On motion of McLeod, report adopted.

"Mr. Speaker:

We, your Committee on Dairying, having had under consideration S. B. No. 132 introduced by Committee on Dairies and Dairying: "A Bill for an Act entitled: 'An Act relating to imitation butter; prohibition of coloring matter; sale of skimmed milk; trade marks; unfair discrimination; penalty for violation of the law; division of dairying and farming, powers and duties; regulation of standards, samples of dairy products for analysis and tests, payment for same, compilation of statistics and extension work, licensing of creameries, cheese factories and ice cream factories, license fees, registration of factories, reports of factories, adoption of Babcock test, examination to operate the test, fee for certificate to operate the test, method of conducting the Babcock test, use of test bottles, false determination of test, regulation of cream stations, location of cream stations, unsanitary places where dairy products are manufactured or kept, interference with officer in performance of his duties, standards of dairy products, makers name on package containing butter, licenses for producers of dairy products and amending Sections 2622, 2627, 2628, 2629, 2630, 2631, 3568, 3569, 3570, and 3282 of the Revised Codes of 1921,'" respectfully report as follows:

That S. B. No. 132, be concurred in.

SEIDENSTICKER, Chairman."

On motion of Seidensticker, report adopted.

"Mr. Speaker:

We, your Committee on Affairs of Cities, having had under consideration, S. B. No. 98, introduced by Harmon, "A Bill for an Act entitled: 'An Act to amend Sections Numbered 5404, 5405, 5411, 5413, 5415, 5418, 5442, 5444, 5446, 5448, 5449, 5465, 5466, 5470, 5471, 5487, 5502, 5503, 5507, 5515, and 5516, of the Revised Codes of Montana, 1921, relating to the commission-manager plan of government,'" respectfully report as follows:

That S. B. No. 98, be concurred in.

LEASE, Chairman.

On motion of Lease, report adopted.

"Mr. Speaker:

We, your Committee on Affairs of Cities having had under consideration, S. B. No. 62, introduced by Hawley: "A Bill for an Act entitled: 'An Act establishing and defining the liability of cities and towns in this state for negligence or mismanagement of such cities and towns, and their officers, agents, servants or employees,'" respectfully report as follows:

That S. B. No. 62, be concurred in.

LEASE, Chairman."

On motion of Lease, report adopted.

"Mr. Speaker:

We, your Committee on Affairs of Cities having had under consideration, S. B. No. 195, introduced by Church: "A Bill for an Act entitled: 'An Act to amend Section 5159 of the Revised Codes of Montana of 1921 relating to the appointment of Boards of Park Commissioners,'" respectfully report as follows:

That S. B. No. 195 be concurred in.

LEASE, Chairman."

On motion of Lease, report adopted.

"Mr. Speaker:

We, your Committee on Affairs of Cities having had under consideration, S. B. No. 107, introduced by McQuitty: "A Bill for an Act entitled: 'An Act to amend Section 5194 of the Revised Codes of Montana of 1921 relating to the levy of taxes by municipalities for general municipal administrative and park purposes,'" respectfully report as follows:

That S. B. No. 107, be concurred in.

LEASE, Chairman."

On motion of Lease, report adopted.

"Mr. Speaker:

We, your Committee on Townships and Counties, having had under consideration, S. B. No. 182, introduced by Committee on Towns and Counties: "A Bill for an Act entitled: 'An Act to provide for the investment of the sinking funds of counties, cities and towns; prescribing kinds of securities in which such funds shall be invested, and the regulating and investment of such sinking funds,'" respectfully report as follows:

That S. B. No. 182, recommend that same be concurred in.

SPENCER, Chairman."

On motion of Spencer, report adopted.

"Mr. Speaker:

We, your Committee on Townships and Counties, having had under consideration, S. B. No. 119, introduced by Walker: "A Bill for an Act entitled: 'An Act to amend Section 4874, of the Revised Codes of Montana of 1921 relating to the authority of the County Commissioners to fix compensation and appointment of deputy county officers,'" respectfully report as follows:

That S. B. No. 119, be concurred in.

SPENCER, Chairman."

On motion of Spencer, report adopted.

"Mr. Speaker:

We, your Committee on Townships and Counties, having had under consideration, S. B. No. 86, introduced by Dowlin: "A Bill for an Act entitled:



'An Act for the publication of the State Examiner's report covering the examination of the various county officers as a part of the official proceedings of the Board of County Commissioners of such county,' respectfully report as follows:  
That S. B. No. 86, recommend that the same be concurred in.

SPENCER, Chairman."

On motion of Spencer, report adopted.

"Mr. Speaker:

We, your Committee on Townships and Counties, having had under consideration S. B. No. 17, introduced by Leuthold, Dowlin, Peck, Cowan and Speer: "A Bill for an Act entitled: 'An Act regulating the fiscal management of, fixing the fiscal year for, and controlling and regulating the raising of revenue and the expenditure thereof during each fiscal year by all counties, cities, towns and consolidated cities and counties, and their institutions and agencies; requiring the making and filing of estimates of probable revenues from all sources and proposed expenditures for all purposes during each fiscal year: providing for the making and filing of provisional budgets for the publication thereof, for public hearings thereon and for the approval and adoption of annual budgets of expenditures to be made for all purposes during each fiscal year: prescribing the manner of paying claims filed after the expiration of the fiscal year: providing for temporary loans secured by delinquent taxes and the creation of the delinquent tax fund: providing for the raising of revenue, in addition to budget estimates and appropriations, by taxation: providing for the payment of warrant indebtedness outstanding at the close of the fiscal year ending June 30th, 1923; providing penalties for the violation of provisions of this Act; and repealing Sections 224, 225, 226, 227, 228, 229, 230, 4631, 5217, and 5218 of the Revised Codes of Montana, 1921,' respectfully report as follows:

That S. B. No. 17, be concurred in.

SPENCER, Chairman."

On motion of Spencer, report adopted.

"Mr. Speaker:

We, your Committee on Townships and Counties, having had under consideration, S. B. No. 102, introduced by Cooper: "A Bill for an Act entitled: 'An Act amending Section 2038 of the Revised Codes of Montana, 1921, relating to traveling expenses of assessors and deputies,' respectfully report as follows:  
That S. B. No. 102, be concurred in.

On motion of Spencer, report adopted.

SPENCER, Chairman."

"Mr. Speaker:

We, your Committee on Fish and Game, having had under consideration, S. B. No. 122, introduced by Rhoads, "A Bill for an Act entitled: 'An Act to establish a bird preserve in a portion of Teton County for the protection of birds, to be known as the Teton-Spring Creek Bird Preserve and providing penalties for the killing, hunting, trapping and pursuing any birds in said preserve or the discharging of fire arms therein,' respectfully report as follows:

That S. B. No. 122, be concurred in.

On motion of Cady, report adopted.

CADY, Chairman."

"Mr. Speaker:

We, your Committee on Federal Relations, having had under consideration, H. J. R. No. 3, introduced by Committee on Federal Relations: "A Resolution requesting the appointment of Edward E. Morris as official caretaker or superintendent at one of our American National Cemeteries in Europe," respectfully report as follows:

That H. J. R. No. 3, be amended as follows:

That the name of House Joint Resolution No. 3 be changed to read "House Resolution No. 3."

That on page two, paragraph one, line two after the word "Assembly" the words "the Senate concurring herein" be stricken therefrom.

And that the bill so amended, do pass.

HAWLEY, Chairman."

On motion of Hawley, report adopted.

"Mr. Speaker:

We, your Committee on Public Morals, Charities and Reforms, having had under consideration, S. B. No. 143, introduced by Committee on Public Morals, Charities and Reforms: "A Bill for an Act entitled. 'An Act to amend Section 3202 of the Revised Codes, providing a penalty'," respectfully report as follows:

That S. B. No. 143, be concurred in.

FACEY, Chairman."

On motion of Facey, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration, S. B. No. 210, by Church, entitled: "An Act authorizing county officials to use loose-leaf books for certain county records and validating such records heretofore made'," respectfully report as follows:

That S. B. No. 210, be concurred in.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration, S. B. No. 136, by Speer, entitled: "An Act authorizing the federal government to file notices of tax liens in the office of any county clerk and recorder in the State of Montana'," respectfully report as follows:

That S. B. No. 136, be concurred in.

On motion of Kenyon, report adopted.

KENYON, Chairman."

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration, S. B. No. 112, by Greenup, entitled: "An Act to amend Section 2191 of the Revised Codes of Montana of 1921, relating to the sale of real estate for taxes due thereon'," respectfully report as follows:

That S. B. No. 112, be amended by striking out in Section 1, line 22, beginning with the words, "But in case there is no purchaser," all the words down to and including the words, "county clerk," in line 31, and inserting in lieu thereof the following:

"But in case there is no purchaser in good faith for the same, as provided in this chapter, on the first day that the property is offered for sale, then when the property is offered thereafter for sale and there is no purchaser in good faith for the same, the whole amount of the property assessed must be struck off to the county as the purchaser, and the duplicate certificate delivered to the county treasurer and filed by him in his office. No charge must be made for the duplicate certificate when the county is a purchaser; and in such case the county treasurer must make an entry, "Sold to the County," on the assessment book, opposite the tax, and he must be credited with the amount thereof in the settlement."

And further amend Section 1, line 4, on page 2, by striking out the word "when" and insert in lieu thereof the word "then," and by adding to Section 1, the following:

"All certificates of sale heretofore issued to any county on the purchase by such county of real property sold at any delinquent tax sale, and which certificates of sale are now held by such county, are hereby declared to be valid and subsisting certificates of sale for all purposes, notwithstanding any irregularities in the manner of publishing the delinquent tax list, or in holding such sale, or in selling such property or in the issuance of such certificates of sale, or in the form thereof, provided the taxes for which such property was sold were taxes authorized by law to be assessed against such property, and were lawfully assessed against the same and have not been paid, and provided further that such property was correctly described in a notice of delinquent tax sale which was actually published at least one time in a newspaper of general circulation in the county in which such property is situated."

And as so amended, the same be concurred in.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Revenue and Taxation, having had under consideration, S. B. No. 101, by Speer: "A Bill for an Act entitled: 'An Act providing the fees to be paid by foreign corporations for filing a certified copy of its charter or articles of incorporation in the office of the Secretary of State of the State of Montana,'" respectfully report as follows:

That S. B. No. 101, be concurred in.

SWIFT, Chairman."

On motion of Swift, report adopted.

"Mr. Speaker:

We, your Committee on Irrigation and Water Rights, having had under consideration, S. B. No. 124, introduced by Kane: "A Bill for an Act entitled: 'An Act relating to irrigation districts, enacting a new section to be designated as Section 7189A of the Revised Codes of Montana of 1921, giving to the court continuing jurisdiction over proceedings for establishment of districts, for the inclusion or exclusion of lands therein or the change of the boundaries thereof with powers to make proper corrections and amendments of matters included in any order made in any such proceeding, including description of lands and providing the procedure for the exercise of such powers: also enacting another new section to be designated as Section 7231A of the Revised Codes of Montana of 1921, providing a limitation against actions or proceedings allocating orders or decrees purporting to establish districts or correcting or amending any such order or decree, validating districts heretofore established or attempted to be established by order of court and the acts and proceedings of such districts or their commissioners leading up to the authorization, issuance or sale or proposed issuance or sale, of bonds, as well as such bonds; also amending Sections 7190, 7191 and 7192 of the Revised Codes of Montana of 1921, relating to the determination of acreages in irrigation districts, and regulating the procedure therefor,'" respectfully report as follows:

That S. B. No. 124, recommend that same be concurred in.

PERRINE, Chairman."

On motion of Perrine, report adopted.

"Mr. Speaker:

We, your Committee on Irrigation and Water Rights, having had under consideration, S. B. No. 123, introduced by Cowan: "A Bill for an Act entitled: 'An Act relating to the collection of taxes and assessments levied for irrigation district and drainage district purposes, and requiring county treasurers to collect, receive and receipt for such irrigation district and drainage district taxes and assessments at the same time and upon the same receipt as taxes levied upon real property for county purposes,'" respectfully report as follows:

That S. B. No. 123, recommend that the same be concurred in.

PERRINE, Chairman."

On motion of Perrine, report adopted.

"Mr. Speaker:

We, your Committee on Education, having had under consideration S. B. No. 66, introduced by Harmon: "A Bill for an Act entitled: 'An Act to amend Section 1271 of the Revised Codes of Montana 1921, relating to the powers and duties of Boards of Trustees of county high schools,'" respectfully report as follows:

That S. B. No. 66, be concurred in.

GULLIDGE, Chairman."

On motion of Gullidge, report adopted.

"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration H. B. No. 277, introduced by Joffray: "An Act appropriating money for the purchase of farm land to be used in connection with the operation of the Montana School for the Deaf and Blind,'" respectfully report as follows:

That H. B. No. 277, be amended as follows:

That in Section 1, lines 5 and 6 the words "one thousand five hundred and thirty five" be stricken out and the words "nine hundred and eleven" be inserted in lieu therewith.



That in Section 1, line 6, before the word "for" the words "and all improvements thereon, also an irrigation ditch and 1,200 inch water right" be inserted therewith.

And when so amended, the same do pass.

BUELL, Chairman."

On motion of Buell, report adopted.

"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration H. B. No. 313, introduced by Ruffcorn: "An Act making an appropriation for the State Board of Equalization and State Treasurer to defray the cost and expense of administering and enforcing the income tax law during the fiscal year ending June 30th, 1923," respectfully report as follows:

That H. B. No. 313, do not pass.

BUELL, Chairman."

On motion of Buell, report adopted.

"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration H. B. No. 323, introduced by Wold and others: "An Act to appropriate money from the Industrial Accident Fund of the State of Montana for the payment of the claim of Sam Nestor which was disallowed by said Board because the claim was not presented within six months," respectfully report as follows:

That H. B. No. 323, do pass.

BUELL, Chairman."

On motion of Buell, report adopted.

"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration H. B. No. 373, introduced by Hoffman, "An Act to appropriate money out of the State Highway Fund for the payment of claims for labor and services furnished in the construction of the State Highway designated as Federal Aid Project Number 109," respectfully report as follows:

That H. B. No. 373, be amended as follows:

That at the end of Section 1, the "period" after the figures 109 be changed to a "comma" and that the words "subject to the authorization of the State Highway Commission and the Board of Examiners," be added thereto:

And that as amended, the same do pass.

BUELL, Chairman."

On motion of Buell, report adopted.

"Mr. Speaker:

We, your Committee on Education, having had under consideration H. B. No. 366, introduced by Seidensticker: "A Bill for an Act entitled: 'An Act to require the teaching of the constitution of the United States and of this State and the study of American institutions and ideals in all the public schools and colleges of the State'," respectfully report as follows:

That H. B. No. 366, do pass.

GULLIDGE, Chairman."

On motion of Gullidge, report adopted.

"Mr. Speaker:

We, your Committee on Education, having had under consideration S. B. No. 126, introduced by Mears: "A Bill for an Act entitled: 'An Act providing for the keeping of books and examination thereof in school districts of the third class: declaring the failure or refusal to comply with the provisions of this Act to be grounds for removal from office of the offending officer: prescribing the method of removal from office and providing for the payment of the costs of the proceedings therefor,'" respectfully report as follows:

That S. B. No. 126, be concurred in.

GULLIDGE, Chairman."

On motion of Gullidge, report adopted.

"Mr. Speaker:

We, your Committee on Education, having had under consideration S. B. No. 42, introduced by Pomeroy: "A Bill for an Act entitled: 'An Act to amend Section 1294 of the Revised Codes of Montana of 1921, respecting the requirements of district and high school boards of trustees in the appointment of a superintendent'," respectfully report as follows:

That S. B. No. 42, be not concurred in.

GULLIDGE, Chairman."

Moved by Gullidge, duly seconded that report be adopted.

Moved by Goodman, as a substitute, duly seconded and carried that Senate Bill No. 42, be placed on General Orders.

"Mr. Speaker:

We, your Committee on Banks and Banking, having had under consideration, S. B. No. 183, introduced by Committee on Banks and Banking: "A Bill for an Act entitled: 'An Act to amend Section 180 of the Revised Codes of Montana of 1921, relating to the payment, registry and interest on state war-rants'," respectfully report as follows:

That S. B. No. 183 be referred back to the House with the recommendation that it be concurred in.

JOHNSON, Chairman."

On motion of Johnson, report adopted.

"Mr. Speaker:

We, your Committee on Banks and Banking, having had under consideration, S. B. No. 156, introduced by Committee on Banks and Banking: "A Bill for an Act entitled: 'An Act to amend Sections 6071 and 6074 of the Revised Codes of Montana of 1921, relating to reports of state banks to the Superintendent of Banks'," respectfully report as follows:

That S. B. No. 156 be referred back to the House with the recommendation that it be concurred in.

JOHNSON, Chairman."

On motion of Johnson, report adopted.

"Mr. Speaker:

We, your Committee on Privileges and Elections, having had under consideration, S. B. No. 137, introduced by Cowan, being: "A Bill for an Act entitled: 'An Act amending Section 7184 of the Revised Codes of Montana, 1921, prescribing the qualifications of voters for all elections held under the provisions of Chapter 146, Laws 1909'," respectfully report as follows:

That S. B. No. 137, be referred to the Committee on Irrigation and Water Rights.

RUFFCORN, Chairman."

On motion of Ruffcorn, report adopted.

"Mr. Speaker:

We, your Committee on Privileges and Elections, having had under consideration, S. B. No. 172, introduced by Hazelbaker: "A Bill for an Act entitled: 'An Act providing for the consolidation of county offices upon a vote of qualified electors of the county and providing for the holding of an election for said purpose'," respectfully report as follows:

That S. B. No. 172 be referred back to the House with the recommendation that it be amended as follows:

Amend Section 3 by striking out all after the word "shall" in line 3 and inserting in lieu thereof, "make an order directing the submission of said question to the qualified electors of the county at the next succeeding primary election."

Amend Section 4, by striking out the word "election" and inserting the word "question" in place thereof; also by striking out the words "and judges and clerks of election shall be appointed, polling places designated."

Amend Section 5 by inserting the word "separate" after the word "by" in line 1; and substituting the words "on said question" for "at said election."

Amend Section 6, by adding thereto the following: "and shall be designated and known as ex-officio holder of the office or offices whose duties have been transferred to him."

And as amended, be concurred in.

RUFFCORN, Chairman."

On motion of Ruffcorn, report adopted.

### INTRODUCTION OF BILLS AND MEMORIALS

The following bills were introduced, read first and second times and referred to committees as follows:

H. B. No. 389, by Appropriations Committee: "A Bill for an Act entitled: 'An Act to provide for the payment of compensation into the Industrial Administrative Fund of the State of Montana if an employee covered by compensation, as provided by Chapter 213 Revised Codes Montana, 1921, known as the 'Workmen's Compensation Act' dies as a result of injury and there is no liability for payment, or when the liability for such payment is removed; providing for the appropriation and use of such money after its payment into the Industrial Administrative Fund of the State of Montana and appropriating money for the operation and maintenance of the Industrial Accident Board and for the operation, maintenance and payment of traveling expenses of the work of vocational rehabilitation.'" Referred to Committee on Appropriations.

### MOTIONS AND RESOLUTIONS

Moved by Johnson, duly seconded and carried that Senate Bill No. 156 be re-referred to the Committee on Banks and Banking.

Moved by Swift, duly seconded and carried, that Senate Bill No. 116 be recalled from the Committee on State Boards and Officers and re-referred to the Committee on Ways and Means.

Moved by Myrick, duly seconded and carried that Senate Bills Nos. 79 and 85 be removed from General Orders and be re-referred to the Judiciary Committee.

The Committee on Enrollment reported as follows:

"Mr. Speaker:

We, your Committee on Enrollment, wish to report House Bills Nos. 42, 118, 121, 125, 142, 165, 172 and House Joint Memorial No. 6, correctly enrolled.

McAFEE, Chairman."

Moved by Boorman, duly seconded and carried, that the House now be on Special Order of Business for the observation of the anniversary of Washington's birthday, and that the privilege of the floor be given Representatives Hamilton and Zuck.

### THIRD READING OF SENATE BILLS.

S. B. No. 24, by Committee on Sanitary Affairs, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrus, Arnold, Baker, Bergstrom, Bernard, Berryman, Bohling, Brandjord, Bricker, Buchanan, Buell, Buttelman, Cady, Carlson (Gallatin), Carlson (McCone), Clarke, Dean, Elliott, Facey, Goodman, Gullidge, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kennedy, Larson (Richland), Larsen (Sheridan), Lease, Leavens, McAfee, McCarty, McLeod, Myrick, Nelson, Oker, Ostby, Perrine, Pilgeram, Pope, Ridle, Rodgers, Ruffcorn, Seidensticker, Smith, Spencer, Strange, Swift, Taylor, Wold, Zuck, Mr. Speaker. Total—55.

Noes: Andrew, Armstrong, Boorman, Bosley, Bray, Burke, Cavanaugh, Davis (Fergus), Dell, Denny, English, Flynn, Fulsher, Gillin, Kelly (Pondera), Kenyon, Kinville, Lemmon, Loble, McCormack, Maury, Murphy, Mushbach, Rasmussen, Scharnikow, Smethurst, Terrett, Tierney, Troy. Total—29.



Absent and not voting: Benedict, Caplis, Cowley, Cronk, Davis (Wibaux), Duffy, Gillette, Hamilton, Kelly (Silver Bow), O'Connell, Peden, Roscow, Sandy, Stoddard, Stoner, Tawney. Total—16.

Moved by Swift, duly seconded, that Senate Bill No. 4 be laid upon the table.

Roll call demanded by Kelly of Pondera, duly seconded.

Boorman demanded a call of the House, seconded by fifteen members.

Moved by Boorman, duly seconded and carried, that further proceedings under call of the House be dispensed with.

Motion to table failed, the vote being as follows:

Ayes: Baker, Benedict, Bernard, Bohling, Boorman, Bray, Bricker, Buchanan, Cady, Carlson (McCone), Clarke, English, Facey, Flynn, Hanson, Harris, Hawley, Holton, Johnson, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, McAfee, McCormack, Myrick, Ostby, Peden, Perrine, Ruffcorn, Seidensticker, Swift, Wold, Mr. Speaker. Total—35.

Noes: Andrew, Andrus, Armstrong, Arnold, Bergstrom, Berryman, Bosley, Brandjord, Buell, Burke, Buttelman, Carlson (Gallatin), Cavanaugh, Cronk, Davis (Fergus), Dean, Dell, Denny, Duffy, Elliott, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hoffman, Joffray, Kelly (Pondera), Kennedy, Kenyon, Lemmon, Loble, McCarty, McLeod, Maury, Murphy, Mushbach, Nelson, Oker, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Sandy, Scharnikow, Smethurst, Smith, Spencer, Strange, Taylor, Terrett, Tierney, Troy, Zuck. Total—55.

Absent and not voting: Caplis, Cowley, Davis (Wibaux), Gillette, Kelly (Silver Bow), O'Connell, Roscow, Stoddard, Stoner, Tawney. Total—10.

S. B. No. 4, by Duncan, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrew, Armstrong, Baker, Bergstrom, Berryman, Bosley, Brandjord, Burke, Buttelman, Carlson (Gallatin), Cavanaugh, Cronk, Davis (Fergus), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Gillin, Goodman, Gullidge, Hamilton, Joffray, Kelly (Pondera), Kennedy, Kenyon, Lemmon, Loble, McAfee, McCarty, McLeod, Maury, Murphy, Mushbach, Nelson, Oker, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Strange, Taylor, Terrett, Tierney, Troy. Total—54.

Noes: Arnold, Benedict, Bernard, Bohling, Boorman, Bray, Bricker, Buchanan, Buell, Cady, Carlson (McCone), Clarke, Facey, Flynn, Hanson, Harris, Hawley, Hoffman, Holton, Johnson, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, McCormack, Myrick, Ostby, Peden, Perrine, Ruffcorn, Swift, Wold, Mr. Speaker. Total—34.

Absent and not voting: Andrus, Caplis, Cowley, Davis (Wibaux), Gillette, Kelly (Silver Bow), O'Connell, Roscow, Stoddard, Stoner, Tawney, Zuck. Total—12.

S. B. No. 72, by Committee on Stockgrowing and Grazing, having been read three several times and title and history agreed to, was concurred in by following vote:

Ayes: Andrew, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Bosley, Brandjord, Bray, Bricker, Buchanan, Buell, Burke, Buttelman, Cady, Carlson (Gallatin), Cavanaugh, Clarke, Cronk, Davis (Fergus), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Harris, Hawley, Holton, Johnson, Kelly (Pondera), Kennedy, Kenyon, Kinville, Lease, Leavens, Lemmon, Loble, McAfee, McCormack, McLeod, Murphy, Mushback, Myrick, Nelson, Oker, Peden, Perrine, Pilgeram, Pope, Ridle, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Strange, Swift, Taylor, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—76.

Noes: Rasmussen. Total—1.

Absent and not voting: Andrus, Boorman, Caplis, Carlson (McCone), Cowley, Davis (Wibaux), Gillette, Hanson, Hoffman, Joffray, Kelly (Silver Bow), Larson (Richland), Larsen (Sheridan), McCarty, Maury, O'Connell, Ostby, Rodgers, Roscow, Spencer, Stoddard, Stoner, Tawney. Total—23.

S. B. No. 73, by Committee on Stockgrowing and Grazing, having been read three several times and title and history agreed to, was concurred in by the following vote:

**Ayes:** Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Bohling, Bosley, Bricker, Buchanan, Buell, Burke, Buttelman, Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Dean, Dell, Duffy, Elliott, English, Facey, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Holton, Johnson, Kelly (Pondera), Kennedy, Kenyon, Kinville, Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCormack, McLeod, Murphy, Mushbach, Myrick, Oker, Peden, Pilgeram, Pope, Rasmussen, Ridle, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Strange, Swift, Terrett, Troy, Wold. Total—66.

**Noes:** Mr. Speaker. Total—1.

**Absent and not voting:** Andrew, Andrus, Bernard, Boorman, Brandjord, Bray, Cady, Caplis, Carlson (Gallatin), Cowley, Davis (Wibaux), Denny, Flynn, Gillette, Hoffman, Joffray, Kelly (Silver Bow), Larson (Richland), McCarty, Maury, Nelson, O'Connell, Ostby, Perrine, Rodgers, Roscow, Ruffcorn, Stoddard, Stoner, Taylor, Tawney, Tierney, Zuck. Total—33.

Mr. Speaker gave notice that he was about to sign House Bills Nos. 42, 118, 121, 125, 142, 165, 172, House Joint Memorial No. 6, respectively and thereupon signed same.

S. B. No. 77, by Oliver, having been read three several times and title and history agreed to, was concurred in by the following vote:

**Ayes:** Armstrong, Arnold, Benedict, Bergstrom, Bernard, Berryman, Bohling, Brandjord, Bricker, Buchanan, Buell, Buttelman, Cady, Carlson (McCone), Cavanaugh, Clarke, Davis (Fergus), Dean, Dell, Duffy, Elliott, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kinville, Larsen (Sheridan), Lease, Loble, McAfee, McLeod, Maury, Murphy, Mushbach, Myrick, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Rodgers, Sandy, Scharnikow, Seidensticker, Smethurst, Spencer, Taylor, Troy, Wold, Zuck, Mr. Speaker. Total—64.

**Noes:** None.

**Absent and not voting:** Andrew, Andrus, Baker, Boorman, Bosley, Bray, Burke, Caplis, Carlson (Gallatin), Cowley, Cronk, Davis (Wibaux), Denny, English, Gillette, Hamilton, Kelly (Silver Bow), Kenyon, Larson (Richland), Leavens, Lemmon, McCarty, McCormack, Nelson, O'Connell, Ridle, Roscow, Ruffcorn, Smith, Stoddard, Stoner, Strange, Swift, Tawney, Terrett, Tierney. Total—36.

Moved by Gullidge, duly seconded and carried, that House recess until 2:00 o'clock.

#### AFTERNOON SESSION.

House resumed at 2:00 p. m.

Mr. Speaker in the chair.

#### THIRD READING OF HOUSE BILLS.

S. B. No. 78, by Oliver, having been read three several times and title and history agreed to, was concurred in by the following vote:

**Ayes:** Andrew, Andrus, Armstrong, Arnold, Baker, Bergstrom, Bernard, Berryman, Bohling, Bosley, Brandjord, Bray, Buchanan, Burke, Buttelman, Cady, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cowley, Davis (Fergus), Dean, Dell, Duffy, English, Facey, Flynn, Gillin, Goodman, Gullidge, Hamilton, Harris, Hawley, Hoffman, Holton, Joffray, Kelly (Pondera), Kennedy, Kenyon, Larsen (Sheridan), Leavens, Lemmon, McAfee, McLeod, Maury, Murphy, Mushbach, Nelson, Oker, Ostby, Peden, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smith, Spencer, Stoddard, Strange, Taylor, Terrett, Tierney, Troy, Zuck, Mr. Speaker. Total—71.

**Noes:** None.

**Absent and not voting:** Benedict, Boorman, Bricker, Buell, Caplis, Cronk, Davis (Wibaux), Denny, Elliott, Fulsher, Gillette, Hanson, Johnson, Kelly (Silver Bow), Kinville, Larson (Richland), Lease, Loble, McCarty, McCormack, Myrick, O'Connell, Perrine, Roscow, Smethurst, Stoner, Swift, Tawney, Wold. Total—29.



S. B. No. 96, by Greening, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrew, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Brandjord, Bray, Bricker, Buchanan, Buttelman, Cady, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Dean, Dell, Elliott, English, Facey, Flynn, Goodman, Gullidge, Hamilton, Harris, Hawley, Hoffman, Holton, Joffray, Kelly (Pondera), Kennedy, Kenyon, Larson (Richland), Larsen (Sheridan), Leavens, Lemmon, McAfee, McCormack, McLeod, Maury, Myrick, Oker, Ostby, Peden, Perrine, Pope, Rasmussen, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smith, Spencer, Strange, Taylor, Terrett, Troy, Zuck, Mr. Speaker. Total—64.

Noes: Bosley, Cowley, Davis (Fergus), Fulsher, Gillin, Murphy, Nelson, Pilgeram, Ridle, Tierney. Total—10.

Absent and not voting: Andrus, Boorman, Buell, Burke, Caplis, Davis (Wibaux), Denny, Duffy, Gillette, Hanson, Johnson, Kelly (Silver Bow), Kinville, Lease, Loble, McCarty, Mushbach, O'Connell, Rodgers, Roscow, Smethurst, Stoddard, Stoner, Swift, Tawney, Wold. Total—26.

S. B. No. 90, by Greening, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrew, Andrus, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Brandjord, Bray, Bricker, Buchanan, Cady, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Dean, Dell, Elliott, English, Facey, Flynn, Goodman, Hamilton, Gullidge, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Larson (Richland), Leavens, Lemmon, Loble, McAfee, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Oker, Peden, Perrine, Pope, Rodgers, Sandy, Scharnikow, Seidensticker, Smith, Spencer, Swift, Taylor, Troy. Total—60.

Noes: Armstrong, Bosley, Buttelman, Cowley, Davis (Fergus), Duffy, Fulsher, Gillin, Harris, Larsen (Sheridan), Ostby, Pilgeram, Rasmussen, Ridle, Ruffcorn, Strange, Terrett, Tierney, Zuck, Mr. Speaker. Total—20.

Absent and not voting: Boorman, Buell, Burke, Caplis, Davis (Wibaux), Denny, Gillette, Hanson, Kelly (Silver Bow), Kinville, Lease, McCarty, Nelson, O'Connell, Roscow, Smethurst, Stoddard, Stoner, Tawney, Wold. Total—20.

S. B. No. 92, by Greening, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Burke, Buttelman, Cady, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cowley, Cronk, Davis (Fergus), Dean, Dell, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Hamilton, Harris, Hoffman, Holton, Joffray, Kelly (Pondera), Kennedy, Kenyon, Larsen (Sheridan), Leavens, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Swift, Taylor, Terrett, Tierney, Troy, Zuck, Mr. Speaker. Total—77.

Noes: Duffy, Hawley, Larson (Richland), Strange. Total—4.

Absent and not voting: Benedict, Buell, Caplis, Davis (Wibaux), Denny, Gillette, Gullidge, Hanson, Johnson, Kelly (Silver Bow), Kinville, Lease, Lemmon, O'Connell, Roscow, Stoddard, Stoner, Tawney, Wold. Total—19.

S. B. No. 99, by Henderson, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bohling, Bosley, Brandjord, Buchanan, Burke, Buttelman, Carlson (Gallatin), Cavanaugh, Cowley, Davis (Fergus), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Larson (Richland), Larsen (Sheridan), Leavens, Loble, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Swift, Taylor, Terrett, Tierney, Troy, Zuck, Mr. Speaker. Total—72.



Noes: Berryman, Bernard, Bray, Cady, Carlson (McCone), Clarke, Cronk, Harris, McAfee, Strange. Total—10.

Absent and not voting: Boorman, Bricker, Buell, Caplis, Davis (Wibaux), Gillette, Hanson, Kelly (Silver Bow), Kenyon, Kinville, Lease, Lemmon, O'Connell, Roscow, Stoddard, Stoner, Tawney, Wold. Total—18.

S. B. No. 21, by Pauline, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrew, Andrus, Armstrong, Baker, Benedit, Bergstrom, Bernard, Berryman, Bohling, Bosley, Brandjord, Bray, Buchanan, Buttelman, Cady, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cowley, Cronk, Davis (Fergus), Dean, Dell, Denny, Elliott, English, Facey, Flynn, Fulsher, Gillin, Gullidge, Hamilton, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Larson (Richland), Larsen (Sheridan), Leavens, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smith, Spencer, Strange, Swift, Taylor, Terrett, Troy, Zuck, Mr. Speaker. Total—76.

Noes: Duffy, Goodman, Harris, Smethurst, Tierney. Total—5.

Absent and not voting: Arnold, Boorman, Bricker, Buell, Burke, Caplis, Davis (Wibaux), Gillette, Hanson, Kelly (Silver Bow), Kinville, Lease, Lemmon, O'Connell, Roscow, Stoddard, Stoner, Tawney, Wold. Total—19.

S. B. No. 38, by Oliver, having been read three several times and title agreed to was concurred in by the following vote:

Ayes: Andrew Andrus, Baker, Benedict, Bernard, Berryman, Bohling, Bosley, Brandjord, Bray, Bricker, Buchanan, Buttelman, Cady, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cowley, Davis (Fergus), Dean, Dell, Denny, Duffy, Elliott, English, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Harris, Hawley, Hoffman, Joffray, Johnson, Kelly (Pondera), Kennedy, Larson (Richland), Larsen (Sheridan), Leavens, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, Oker, Ostby, Peden, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Ruffcorn, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Strange, Taylor, Terrett, Tierney, Troy, Zuck. Total—72.

Noes: Armstrong, Burke, Cronk, Facey, Holton, Kenyon, Perrine, Sandy, Swift, Mr. Speaker. Total—10.

Absent and not voting: Arnold, Bergstrom, Boorman, Buell, Caplis, Davis (Wibaux), Gillette, Hanson, Kelly (Silver Bow), Kinville, Lease, Lemmon, O'Connell, Roscow, Stoddard, Stoner, Tawney, Wold. Total—18.

S. B. No. 68, by Adams, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrew, Andrus, Armstrong, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Bosley, Brandjord, Bricker, Buchanan, Burke, Buttelman, Cady, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cowley, Cronk, Davis (Fergus), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gillin, Goodman, Gullidge, Hamilton, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kennedy, Kenyon, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Loble, McAfee, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Strange, Swift, Terrett, Tierney, Troy, Zuck, Mr. Speaker. Total—78.

Noes: Bray, Kelly (Pondera). Total—2.

Absent and not voting: Arnold, Boorman, Buell, Caplis, Davis (Wibaux), Gillette, Hanson, Kelly (Silver Bow), Kinville, Lemmon, McCarty, Nelson, O'Connell, Rodgers, Roscow, Stoddard, Stoner, Taylor, Tawney, Wold. Total—20.

S. B. No. 57, by Leuthold, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrew, Andrus, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Bosley, Brandjord, Bray, Bricker, Buchanan, Buell, Buttelman, Cady, Cavanaugh, Clarke, Davis (Fergus), Dean, Dell, Denny, English, Fulsher, Goodman, Gullidge, Hawley, Hoffman, Joffray, Johnson, Kennedy, Kenyon, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCor-

mack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Ridle, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Strange, Swift, Tierney, Troy, Wold, Zuck. Total—66.

Noes: Armstrong, Burke, Cowley, Elliott, Facey, Flynn, Gillin, Hamilton, Kelly (Pondera), Rasmussen, Terrett, Mr. Speaker. Total—12.

Absent and not voting: Arnold, Boorman, Caplis, Carlson (Gallatin), Carlson (McCone), Cronk, Davis (Wibaux), Duffy, Gillette, Hanson, Harris, Holton, Kelly (Silver Bow), Kinville, McCarty, O'Connell, Rodgers, Roscow, Stoddard, Stoner, Taylor, Tawney. Total—22.

### THIRD READING OF HOUSE BILLS.

H. B. No. 362, by Committee on Appropriations, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrus, Arnold, Benedict, Bergstrom, Bernard, Berryman, Bohling, Brandjord, Bray, Bricker, Buchanan, Buell, Buttelman, Cady, Carlson (McCone), Cavanaugh, Cronk, Davis (Fergus), Dean, Dell, Denny, Elliott, English, Facey, Flynn, Goodman, Gullidge, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCormack, McLeod, Murphy, Mushbach, Myrick, Nelson, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Strange, Swift, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—70.

Noes: Armstrong, Baker, Bosley, Burke, Cowley, Duffy, Fulsher, Gillin, Hamilton, Maury. Total—10.

Absent and not voting: Andrew, Boorman, Caplis, Carlson (Gallatin), Clarke, Davis (Wibaux), Gillette, Hanson, Harris, Kelly (Silver Bow), Kinville, McCarty, O'Connell, Rodgers, Roscow, Spencer, Stoddard, Stoner, Taylor, Tawney. Total—20.

H. B. No. 363, by McAfee, by request, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrus, Bohling, Brandjord, Bray, Buell, Cady, Carlson (McCone), Cavanaugh, Clarke, Cronk, Dell, Denny, Elliott, English, Facey, Fulsher, Gullidge, Hawley, Holton, Joffray, Johnson, Kenyon, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCormack, Mushbach, Myrick, Nelson, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Ruffcorn, Sandy, Scharnikow, Seidensticker, Spencer, Strange, Swift, Tierney, Troy, Wold, Mr. Speaker. Total—53.

Noes: Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Bosley, Buchanan, Burke, Buttelman, Carlson (Gallatin), Cowley, Davis (Fergus), Dean, Duffy, Flynn, Gillin, Goodman, Hamilton, Harris, Hoffman, Kelly (Pondera), Kennedy, McLeod, Maury, Murphy, Smethurst, Smith, Terrett. Total—29.

Absent and not voting: Andrew, Bernard, Boorman, Bricker, Caplis, Davis (Wibaux), Gillette, Hanson, Kelly (Silver Bow), Kinville, McCarty, O'Connell, Roscow, Stoddard, Stoner, Taylor, Tawney, Zuck. Total—18.

The Committee on Enrollment reported as follows:

"Mr. Speaker:

We, the Committee on Enrollment wish to report House Bills Nos. 52, 110, 146, correctly enrolled.

McAFEE, Chairman."

The Committee on Printing reported as follows:

"Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bills Nos. 384, 385, 386, 387, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman."



## CONSIDERATION OF GENERAL ORDERS.

Moved by Gullidge, duly seconded and carried that the House resolve itself into a Committee of the Whole for the consideration of General Orders, under the same restrictions as imposed yesterday.

Terrett in the chair.

Committee arose.

Mr. Speaker pro tem in the chair.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole, having had under consideration bills on General Orders, respectfully report back with the recommendation that:

S. B. No. 67: That the enacting clause be stricken out.

Sub. S. B. No. 56: Be concurred in.

S. B. No. 140: Be concurred in.

S. B. No. 52: That the enacting clause be stricken out.

S. B. No. 106: Be amended as follows:

Section 1 by inserting after the word "advances" in line 14 printed bill the following words, "and amounts paid on the principal sum secured."

And when so amended, be concurred in.

S. B. No. 134: Be concurred in.

S. B. No. 181: Be concurred in.

S. B. No. 189: Be placed at the bottom of column two of General Orders.

S. B. No. 171: Be referred to the Judiciary Committee.

S. B. No. 154: Be referred to the Judiciary Committee.

H. B. No. 171: Do pass.

Sub. S. J. R. No. 2: Be concurred in.

H. B. No. 55: That Senate amendments be concurred in.

H. B. No. 49: That Senate amendments be not concurred in.

H. B. No. 35: That Senate amendments be concurred in.

H. B. No. 53: That Senate amendments be concurred in.

H. B. No. 75: That Senate amendments be concurred in.

H. B. No. 58: That Senate amendments be concurred in.

H. B. No. 131: That Senate amendments be concurred in.

H. B. No. 112: Be referred to the Committee on Judiciary.

Sub. S. B. No. 1 and 19: Be placed at the foot of the list on General Orders.

S. B. No. 39: Be concurred in.

S. B. No. 16: Be placed at head of the list of General Orders for tomorrow.

TERRETT, Chairman."

Moved by Terrett, and duly seconded that report be adopted.

Moved by Scharnikow, duly seconded that the report as to Senate Bill No. 52 be segregated from the report of the Committee of the Whole.

Smethurst demanded a roll call, duly seconded. The motion to segregate carried, the vote being as follows:

Ayes: Andrew, Arnold, Baker, Bernard, Berryman, Bohling, Boorman, Brandiord, Bricker, Buchanan, Buell, Burke, Buttelman, Cady, Carlson (Gallatin), Cavanaugh, Cronk, Davis (Fergus), Dean, Dell, Denny, Duffy, Elliott, English, Flynn, Goodman, Gullidge, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, Oker, Peden, Perrine, Pope, Rasmussen, Ridle, Rodgers, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smith, Spencer, Stoddard, Strange, Swift, Taylor, Terrett, Troy, Wold, Zuck. Total—73.

Noes: Armstrong, Bosley, Carlson (McCone), Clarke, O'Connell, Ostby, Pilgeram, Smethurst, Tierney, Mr. Speaker. Total—10.

Absent and not voting: Andrus, Benedict, Bergstrom, Bray, Caplis, Cowley, Davis (Wibaux), Facey, Fulsher, Gillette, Gillin, Hamilton, Kelly (Pondera), Kelly (Silver Bow), Roscow, Stoner, Tawney. Total—17.

Moved by Pope, duly seconded and carried, that Senate Bill No. 67 be segregated from the report.

The question arose on the motion to adopt the Committee of the Whole report with the exception of Senate Bills Nos. 52 and 67. Carried.



Moved by Scharnikow, duly seconded and adopted, that Senate Bill No. 52 be referred to the Committee on Livestock.

Moved by Pope, duly seconded and carried, that Senate Bill No. 67 be replaced on General Orders.

Moved by Carlson of Gallatin, duly seconded and carried, that Senate Bill No. 124 be taken from General Orders and referred to the Committee on Irrigation and Water Rights.

Mr. Speaker gave notice that he was about to sign House Bills Nos. 110 and 52, respectively, and thereupon signed the same.

Moved by Gullidge, duly seconded and carried, that the House recess until 8 o'clock.

### EVENING SESSION.

House resumed at 8:00 p. m.

Mr. Speaker in the chair.

Moved by Swift, duly seconded and carried by the necessary majority that the House revert to:

### THIRD READING OF HOUSE BILLS.

The Senate amendments to H. B. No. 58 were concurred in by the following vote:

Ayes: Armstrong Berryman, Bohling, Boorman, Buchanan, Buttelman, Cady, Carlson (Gallatin), Carlson (McCone), Clarke, Cronk, Davis (Wibaux), Dell, Elliott, Facey, Goodman, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCormack, McLeod, Murphy, Mushbach, Myrick, Nelson, Ostby, Peden, Ridle, Rodgers, Ruffcorn, Scharnikow, Seidensticker, Spencer, Swift, Taylor, Wold, Zuck, Mr. Speaker. Total—49.

Noes: Andrew, Arnold, Benedict, Bosley, Bray, Burke, Davis (Fergus), Duffy, English, Hanson, Maury, O'Connell, Oker, Perrine, Pilgeram, Pops, Rasmussen, Smethurst, Smith, Stoddard, Strange, Troy. Total—22.

Absent and not voting: Andrus, Baker, Bergstrom, Bernard, Brandjord, Bricker, Buell, Caplis, Cavanaugh, Cowley, Dean, Denny, Flynn, Fulsher, Gillette, Gillin, Gullidge, Hamilton, Harris, Kelly (Silver Bow), Kenyon, Kinville, McCarty, Roscow, Sandy, Stoner, Tawney, Terrett, Tierney. Total—29.

Moved by Goodman, duly seconded and carried, that the Senate amendments to H. B. No. 131 be not concurred and a conference committee appointed to confer with a like committee from the Senate.

H. B. No. 53, by Brandjord, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Armstrong, Arnold, Benedict, Berryman, Bohling, Boorman, Bosley, Bray, Bricker, Buchanan, Burke, Buttelman, Cady, Carlson (Gallatin), Carlson (McCone), Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dell, Duffy, Elliott, English, Facey, Goodman, Gullidge, Hamilton, Hanson, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCormack, McLeod, Murphy, Mushbach, Myrick, Nelson, O'Connell, Ostby, Peden, Perrine, Pilgeram, Rasmussen, Ridle, Rodgers, Ruffcorn, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Strange, Swift, Taylor, Troy, Wold, Zuck, Mr. Speaker. Total—70.

Noes: None.

Absent and not voting: Andrus, Baker, Bergstrom, Bernard, Brandjord, Buell, Caplis, Cavanaugh, Cowley, Dean, Denny, Flynn, Fulsher, Gillette, Gillin, Harris, Kelly (Silver Bow), Kenyon, Kinville, Larson (Richland), McCarty, Maury, Oker, Pope, Roscow, Sandy, Stoner, Tawney, Terrett, Tierney. Total—30.

H. B. No. 55, by Loble, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Armtsrong, Arnold, Benedict, Berryman, Bohling, Boorman, Bosley, Bray, Bricker, Buchanan, Burke, Buttelman, Cady, Carlson (Gallatin), Carlson (McCone), Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dell, Duffy, Elliott, English, Facey, Goodman, Gullidge, Hanson, Hawley, Hoffman, Holton,

Joffray, Johnson, Kelly (Pondera), Kennedy, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Ruffcorn, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Strange, Swift, Taylor, Troy, Wold, Zuck, Mr. Speaker. Total—73.

Noes: None.

Absent and not voting: Andrus, Baker, Bergstrom, Bernard, Brandjord, Buell, Caplis, Cavanaugh, Cowley, Dean, Denny, Flynn, Fulsher, Gillette, Gillin, Hamilton, Harris, Kelly (Silver Bow), Kenyon, Kinville, McCarty, Roscow, Sandy, Stoner, Tawney, Terrett, Tierney. Total—27.

H. B. No. 35, by McCarty, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Armstrong, Arnold, Benedict, Berryman, Bohling, Boorman, Bosley, Bray, Bricker, Buchanan, Buttelman, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dell, Duffy, Elliott, English, Facey, Goodman, Gullidge, Hanson, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Larson (Richland), Lease, Leavens, Lemmon, Loble, McAfee, McCormack, McLeod, Maury, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Ridle, Rodgers, Ruffcorn, Scharnikow, Seidensticker, Smethurst, Smith, Stoddard, Strange, Swift, Taylor, Troy, Wold, Zuck, Mr. Speaker, Larsen (Sheridan). Total—68.

Noes: Burke, Cady, Spencer. Total—3.

Absent and not voting: Andrus, Baker, Bergstrom, Bernard, Brandjord, Buell, Caplis, Cowley, Dean, Denny, Flynn, Fulsher, Gillette, Gillin, Hamilton, Harris, Kelly (Silver Bow), Kennedy, Kenyon, Kinville, McCarty, Murphy, Rasmussen, Roscow, Sandy, Stoner, Tawney, Terrett, Tierney. Total—29.

Moved by Myrick, duly seconded and carried, that Senate Bill No. 75 be referred to the Committee on Affairs of Cities.

With unanimous consent, reverted to:

## MOTIONS AND RESOLUTIONS.

Moved by Rodgers, duly seconded and carried, that a conference be appointed to confer with a like committee from the Senate on Senate amendments to House Bill No. 49.

## CONSIDERATION OF GENERAL ORDERS.

Moved by Swift, duly seconded and carried, that the House resolve itself into a Committee of the Whole for the consideration of General Orders, with the same restrictions as were imposed this afternoon.

Larsen of Sheridan in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole, having had under consideration bills on General Orders, respectfully report back with the recommendation that:

S. B. No. 67: Be amended as follows:

Section 1 by inserting in line 4 after the word "any" the word "civil" and by inserting in line 4 after the word "action" the words "criminal action" and inserting after the word "or" the word "any."

And when so amended, be concurred in.

S. B. No. 98: Be concurred in.

S. B. No. 42: Be concurred in.

S. B. No. 132: Be concurred in.

S. B. No. 102: Be amended as follows:

Section 1 by striking out in line 5 after the word "each" the word "and."

And when so amended, be concurred in.

S. B. No. 107: Be concurred in.

S. B. No. 86: Be concurred in.

S. B. No. 183: Be referred to the Committee on Banks and Banking.

S. B. No. 126: Be concurred in.

S. B. No. 195: Be concurred in.

S. B. No. 123: Be concurred in.

S. B. No. 189: Be concurred in.

S. B. No. 66: Be amended as follows:

Section 1 by striking out in line 22 of the printed bill the word "three" and inserting in lieu thereof the word "two."

And when so amended, be concurred in.

S. B. No. 119: That the enacting clause be stricken out.

S. B. No. 143: Be concurred in.

S. B. No. 122: Be concurred in.

S. B. No. 17: Be made a special order of business for Monday at 2 p. m.  
LARSEN of Sheridan, Chairman."

Moved by Larsen of Sheridan, that report be adopted.

Moved by Pilgeram, duly seconded and carried, that Senate Bill No. 102 be segregated from the report of the Committee of the Whole.

Moved by Spencer, duly seconded, that Senate Bill No. 66 be segregated from the report of the Committee of the Whole.

Moved by Davis of Fergus, duly seconded and carried, that Senate Bill No. 143 be segregated from the report of the Committee of the Whole.

Moved by Loble, duly seconded and carried, that Senate Bill No. 119 be segregated from the report of the Committee of the Whole.

Question now arising on the motion to adopt the report of the Committee of the Whole, same carried with the exception of Senate Bills Nos. 192, 66, 143, and 119.

Moved by Scharnikow, duly seconded and carried that all four of the bills so segregated be again placed on General Orders.

Mr. Speaker announced the following two conference committees:

House Bill No. 49: Rodgers, Myrick and Brandjord.

House Bill No. 131: Johnson, Buell and Goodman.

Moved by Gullidge, duly seconded and carried that the House adjourn until Friday, February 23, at 10:30 a. m.

CALVIN CRUMBAKER, Speaker.

Attest: JAMES A. SHOEMAKER, Chief Clerk.

## FIFTY-FOURTH DAY

House of Representatives,  
February 23, 1923.

House convened pursuant to adjournment at 10:30 a. m.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Upon roll call all members present except: Caplis, Carlson of Gallatin, Fulsher, Gillin and Tawney, absent; Gillette and Stoner, excused.

The Committee on Journal reported as follows:

"Mr. Speaker:

We, your Committee on Journal, have this day examined the Journal for the 53rd legislative day and found the same correct.

BUCHANAN, Chairman."

Report adopted.

The Committee on Engrossment, reported as follows:

"Mr. Speaker:

We, your Committee on Engrossment, to whom was referred H. B. No. 171, beg leave to report same back correctly engrossed.

LARSON of Richland, Chairman."



## COMMUNICATIONS AND PETITIONS.

## COMMUNICATIONS FROM THE SENATE.

Moved by Loble, duly seconded and carried, that Senate communications be considered read at length:

"Helena, Montana, February 22, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 67, introduced by McCarty and Hamilton, was on February 20th, 1923, amended in the Committee of the Whole; on February 21st, 1923, it was re-amended to conform with the original bill and as so amended was read third time and concurred in, title agreed to, and is herewith transmitted to the House.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 22, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following House bills were this day reported out of the Committee on Judiciary with the recommendation that they be not concurred in.

House Bill No. 56 by Smith.

House Bill No. 207, by Smith.

H. B. No. 182, by Terrett.

House Bill No. 202, by Benedict.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 22, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 80, by Zuck, was this day read third time and concurred in, title agreed to, and is herewith transmitted to the House.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 22, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 147, introduced by Committee on Agriculture, was this day read third time and concurred in committee amendments, title agreed to and is herewith transmitted to the House for concurrence in Senate amendments.

Amendments:

Amend in Section 3, line 29 of the engrossed bill, by striking out the word "for" and inserting the word "from." Amend Section 3, line 24, of the engrossed bill by adding after the word "freight," the words "and storage."

Amend in Section four (4) by striking out in lines 4, 5, 6, 7, 8 and 9, beginning with the words "No such warehouseman" and ending with the words "Direction and supervision of the Department of Agriculture, and inserting in lieu thereof the words "no such warehouseman shall sell or otherwise dispose of or deliver out of store except to the owner any stored grain except upon notice in advance to the Department of Agriculture, and after complying in full with the laws of the State and the regulations of the Department of Agriculture relating to the handling of stored grain."

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 22, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following standing committees this day reported as follows:

Committee on Agriculture: House Bill No. 127, introduced by Committee on Agriculture.

Amend the title of House Bill 127, line 13, by inserting after the word "Codes" the words "of Montana." Amend title of House Bill 127 by inserting

after the figures "1921" in line 13 of the printed bill the following: "And by adding three new sections to be numbered 350, 350B and 354A."

Amend Section 1 by inserting in line 1 after the word "Codes," the words "of Montana 1921."

Amend Section 2 by adding after the figures 2 in line 1 of the printed bill the following: "That a new section be added to read as follows: "Section 350A."

Amend Section 3 by adding after the figure 3 in line 1 of the printed bill the following: "That a new section be added to read as follows: "Section 350B."

Amend Section 4 by inserting in line 1 of the printed bill after the word "Codes," the words "of Montana 1921."

Amend Section 5 of the printed bill by inserting in line 1 after the word "Codes," the words "of Montana 1921."

Amend Section 6 of the printed bill, line 1, by inserting after the word "Codes," the words "of Montana 1921."

Amend Section 7 by inserting after the figure 7 in line 1 of the printed bill the following "That a new section be added to read as follows: "Section 354A."

Amend Section 8 of the printed bill by inserting in line 1 after the word "Codes," the words "of Montana 1921."

Amend Section 9 of the printed bill by inserting in line 1 after the word "Codes," the words "of Montana 1921."

Amend Section 10 of the printed bill by inserting in line 1 after the word "Codes," the words "of 1921." Amend Section 10 of the printed bill by striking out in line 24, the word "With" and inserting in lieu thereof, the word "without." Amend Section 10 of the printed bill by striking out in line 25 "a part of" and inserting in lieu thereof, "A part or."

Amend Section 11 by inserting in line 1 after the word "Codes," the words "of Montana 1921."

Amend Section 12 by inserting in line 1 after the word "Codes" the words "of Montana 1921."

And as amended the bill do pass.

House Bill No. 19, Committee on Elections and Privileges, introduced by Nelson

Amend by adding after the words "10.00 in Section 1, page 1, line 29, the following "expect candidates for the State Senate the House of Representatives shall be \$15.00."

Amend Section 1, page 2, by striking out all of lines 3 and 4 and insert in lieu thereof the words: "in all other classes of Counties \$10.00."

Committee on Judiciary: House Bill No. 56, introduced by Smith. Recommend that same be not concurred in.

Committee on Judiciary: House Bill No. 182, introduced by Terrett. Recommend that same be not concurred in.

Committee on Judiciary: House Bill No. 202, introduced by Benedict. Recommend that same be not concurred in.

Committee on Judiciary: House Bill No. 207, introduced by Smith. Recommend that same be not concurred in.

Very respectfully,

J. F. CONE, Secretary of the Senate."

## OTHER COMMUNICATIONS.

A communication inviting representatives to be present at an informal reception at the Florence Crittenden Home was read.

## REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received:

"Mr. Speaker:

We, your Committee on Workmen's Compensation having had under consideration H. B. No. 318, a Bill for an Act entitled: "An Act to provide for the payment of compensation into the industrial administrative fund of the State

of Montana if an employee covered by compensation, as provided by Chapter 213 Revised Codes of Montana, 1921, known as the 'Workmen's Compensation Act' dies as a result of injury and there is no liability for payment, or when the liability for such payment is removed and providing for the appropriation and use of such money after its payment into the industrial administrative fund of the State of Montana," respectfully report as follows:

That H. B. No. 318 do not pass.

HANSON, Chairman."

On motion of Hanson, report adopted.

"Mr. Speaker:

We, your Committee on Fairs and Expositions, having had under consideration H. B. No. 319, by McCormack, Stoner and Larson, a Bill for an Act entitled: "An Act to repeal Sections 1580, 1581 and 1582 of the Revised Codes of Montana 1921, relating to the holding of an annual State fair," respectfully report as follows:

That H. B. No. 319 do not pass.

BRICKER, Chairman."

On motion of Bricker, report adopted.

"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration H. B. No. 389, introduced by Appropriations Committee, "An Act to provide for the payment of compensation into the industrial administrative fund of the State of Montana if an employee covered by compensation, as provided by Chapter 312 Revised Codes of Montana, 1921, known as the 'Workmen's Compensation Act' dies as the result of injury and there is not liability for payment, or when the liability for such payment is removed; providing for the appropriation and use of such money after its payment into the industrial administrative fund of the State of Montana and appropriating money for the operation and maintenance of the Industrial Accident Board and for the operation maintenance and payment of training expenses of the work of vocational rehabilitation," respectfully report as follows:

That H. B. No. 389, do pass.

BUELL, Chairman."

On motion of Hawley, report adopted.

"Mr. Speaker:

We, your Committee on Libraries, having had under consideration S. B. No. 153, introduced by Committee on Libraries: "A Bill for an Act entitled: 'An Act to amend Sections 4565, 4566 and 4567 of the Revised Codes of Montana of 1921 with reference to the creation and establishing of county free libraries and providing for the management and control thereof and for the appointment of a librarian and the appointment of a board of trustees to manage, operate and control the county free library and providing rules and regulations therefor,'" respectfully report as follows:

That S. B. No. 153, be amended as follows:

Amend title by changing Sections to "Section" by eliminating in line 2 the words and figures "4566 and 4567" and strike out after the word "librarian" in line 5 of the title all the part that follows and insert in lieu thereof the words: "and salary pertaining thereto."

Also amend Senate Bill No. 153 by striking out all Sections 1, 2 and 3 and inserting in lieu thereof the following section:

Section 1. Section 4565. Upon the establishment of a county free library, the board of county commissioners may appoint a county librarian who shall receive not less than One Hundred Dollars per month and who may be removed for cause, after the hearing, by said board. Any person who is a graduate of a library school, or has had two years' practical experience in a library of not less than three thousand volumes, shall be eligible to the office of county librarian; provided, that, from and after the creation and organization of a state board of library examiners, no person shall be eligible to the office of county librarian, unless, prior to his appointment, he has received from said board of library examiners a certificate of qualification for the office.



And also renumber Sections 4 and 5 to read 2 and 3.

As so amended, the committee recommends that the bill be concurred in.

CLARKE, Chairman."

On motion of Clarke, report adopted.

"Mr. Speaker:

We, your Committee on Insurance, having had under consideration S. B. No. 12, introduced by Committee on Insurance: "A Bill for an Act entitled: 'An Act requiring all insurance companies doing business in this State, under the assessment plan, to show upon the face of all policies, applications and other literature, the word or words, 'assessable' or 'assessment plan,' prescribing duties of commissioner of insurance in connection therewith, and providing penalties for violation of this act,'" respectfully report as follows:

That S. B. No. 12, recommend that the same be not concurred in.

WOLD, Chairman."

On motion of Bricker, report adopted.

"Mr. Speaker:

We, your Committee on State Boards and Officers, having had under consideration S. B. No. 76, introduced by Paul: "A Bill for an Act entitled: 'An Act describing the duties of the Montana Irrigation Commission with reference to the measurement and calculation of the ordinary and flood discharge of streams in the State of Montana and requiring them to become conversant with the waterways of the State and the needs of the State as to irrigation matters and requiring said Montana Irrigation Commission to co-operate in this work as much as possible with the United States geological survey and the Montana experiment station and repealing Sub-division Three (3) of Section 1995 of the Revised Codes of Montana of 1921,'" respectfully report as follows:

That S. B. No. 76, be not concurred in.

OSTBY, Chairman."

On motion of Ostby, report adopted.

"Mr. Speaker:

We, your Committee on State Boards and Officers, having had under consideration S. B. No. 89, introduced by Healy: "A Bill for an Act entitled: 'An Act to amend Sections 3859 and 3875, of the Revised Codes of Montana, 1921, relating to the inspection of water craft, appointment of inspectors and their compensation, and inspection and license fees,'" respectfully report as follows:

That S. B. No. 89, be concurred in.

OSTBY, Chairman."

On motion of Ostby, report adopted.

"Mr. Speaker:

We, your Committee on State Boards and Officers, having had under consideration S. B. No. 177, introduced by Speer, Pomeroy, Stewart: "A Bill for an Act entitled: 'An Act to safeguard the funds and securities of the Industrial Accident Board, and constituting the State Treasurer as treasurer of said board, and to amend Section 3000 of the Revised Codes of Montana of 1921,'" respectfully report as follows:

That S. B. No. 177, be concurred in.

OSTBY, Chairman."

On motion of Ostby, report adopted.

"Mr. Speaker:

We, your Committee on State Boards and Officers, having had under consideration Senate Substitute for S. B. No. 61, introduced by Paul, Dowlin, Clark, the special committee: "A Bill for an Act entitled: 'An Act to amend Section 210 of the Revised Codes of Montana of 1921; prescribing the duties of the State Examiner and his assistants,'" respectfully report as follows:

That S. Sub. B. No. 61, be amended by adding to Section 1, Sub. Sections 9 and 10.

9. It shall be the duty of the county attorneys of the various counties of the State of Montana and the city attorneys of the various cities and towns of the State of Montana to make report to the State Examiner within thirty days after receiving from the State Examiner the report of any examination of any

county, city or town, as to what proceedings he has instituted or is intending to institute relating to violations of law and non-performance of duty, as set forth in the report of the State Examiner.

10. If any county or city attorney refuses or neglects to notify the State Examiner within thirty days after receiving the report of any examination of any county, city or town, as to what proceedings he has instituted or is about to institute against any officer for violations of law or non-performance of duty, as evidenced by matters of record, and as set forth in the State Examiner's report; the State Examiner may withhold the salary of such county or city attorney by filing notice with the proper officials, until proper and satisfactory explanation has been made to the State Examiner for such non-performance of duty, "Provided further that should the county, or city attorney fail or refuse to prosecute such cases, the State Examiner may employ an attorney to prosecute such case at the expense of the county, city or town."

And as so amended, be concurred in.

On motion of Ostby, report adopted.

OSTBY, Chairman."

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration S. B. No. 91, by Duncan, entitled: "An Act to amend Section 4811 of the Revised Codes of Montana of 1921, relating to the duties of county clerks," respectfully report as follows:

That S. B. No. 91, be concurred in.

On motion of Kenyon, report adopted.

KENYON, Chairman."

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration S. B. No. 100, by McCone, entitled: "An Act providing the method of collection of any special poll tax and prescribing the duties of certain county officers in connection therewith," respectfully report as follows:

That S. B. No. 100, be concurred in.

On motion of Kenyon, report adopted.

KENYON, Chairman."

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration S. B. No. 191, by Coburn, entitled: "An Act to amend Section 10256 of the Revised Codes of Montana, 1921, relating to leasing by executors and administrators of realty belonging to estates of deceased persons and obtaining order of court therefor," respectfully report as follows:

That S. B. No. 191, be amended by inserting in line 3, page 2, sub-division 5, after the word "order," the words, "such lease before it shall become effective shall be approved by the court or judges thereof before delivery."

And that when so amended the bill be concurred in.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration S. B. No. 148, by Pomeroy, entitled: "An Act to require clerks of the districts courts to keep index books for indexing bonds in criminal cases," respectfully report as follows:

That S. B. No. 148, be concurred in.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration, S. B. No. 173, by Paul, entitled: "An Act amending Sections 6453, 6454, and 6455 of the Revised Codes of Montana of 1921, relating to the formation of religious, fraternal, benevolent and charitable corporations," respectfully report as follows:

That S. B. No. 173, be concurred in.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration, S. B. No. 157, by Walker, entitled: "An Act to amend Subdivision 2, of Section 6537 of the Revised Codes of Montana of 1921, relating to leases, sales and mortgages of railroad equipment and rolling stock, and providing that the same shall be filed for record in the office of the Secretary of State," respectfully report as follows:

That S. B. No. 157, be amended as follows:

Amend Section 1, by striking out in line 15 of sub-division 3, on page 2, the word "lesser" and inserting the word "lessor" and that when so amended the bill be concurred in.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Irrigation and Water Rights, having had under consideration, S. B. No. 207, introduced by Greening, being: "A Bill for an Act entitled: 'An Act to repeal Sections 7340 and 7341 of the Revised Codes of 1921, relating to the procedure for the exemption of lands from liability for drainage district assessments; and amending Section 7342 of the Revised Codes of 1921 relating to the effect of a void assessment,'" respectfully report as follows:

That S. B. No. 207, be concurred in.

PERRINE, Chairman."

On motion of Perrine, report adopted.

"Mr. Speaker:

We, your Committee on Banks and Banking, having had under consideration, S. B. No. 183, introduced by Committee on Banks and Banking: "A Bill for an Act entitled: 'An Act to amend Section 180 of the Revised Codes of Montana of 1921, relating to the payment, registry and interest on state warrants,'" respectfully report as follows:

That S. B. No. 183 be amended as follows:

Section 1, by striking out in line 11 on the printed bill the "five" and inserting in lieu thereof the words "six."

Section 1, by inserting after the word "warrants" in line 11 of the printed bill the following: "words and figures issued February 19, 1923 and thereafter, and."

And as so amended, be concurred in.

JOHNSON, Chairman."

On motion of Johnson, report adopted.

"Mr. Speaker:

We, your Committee on Banks and Banking, having had under consideration, S. B. No. 156, introduced by Committee on Banks and Banking: "A Bill for an Act entitled: 'An Act to amend Sections 6071 and 6074 of the Revised Codes of Montana of 1921, relating to reports of state banks to the superintendent of banks,'" respectfully report as follows:

That S. B. No. 156, be referred back to the House with the recommendation that it be concurred in.

JOHNSON, Chairman."

On motion of Johnson, report adopted.

"Mr. Speaker:

We, your Committee on Livestock and Public Ranges, having had under consideration, S. B. No. 52, being: "A Bill for an Act entitled: 'An Act relating to chattel mortgages and increase thereof,'" respectfully report as follows:

That, we recommend that said S. B. No. 52, be amended as follows:

Strike out all of Section 1, and insert in lieu thereof the following, as Section 1:

"Section 1. A chattel mortgage given upon livestock may, if specified therein, include all increase of like kind or progeny, and wool of such mortgaged animals, from year to year, during the life of the mortgage."



And when said bill is so amended, we recommend that it be concurred in.  
LEAVENS, Chairman."

On motion of Leavens, report adopted.

"Mr. Speaker:

We, your Committee on Irrigation and Water Rights, having had under consideration, S. J. M. No. 6, introduced by Demel, Pauline, Watson and Garber, being: "A Memorial to the Congress of the United States to enact such legislation providing for the forty year plan, to meet construction, operation and maintenance charges of government reclamation projects," respectfully report as follows:

That S. J. M. No. 6, be concurred in.

PERRINE, Chairman."

On motion of Perrine, report adopted.

"Mr. Speaker:

We, your Committee on Corporations other than Municipal, having had under consideration, S. B. No. 151, introduced by Church: "A Bill for an Act entitled: 'An Act to provide for the care and improvement of neglected cemetery lots in public cemeteries and for the resale of unoccupied portions thereof and the disposition of the money received from such resale,'" respectfully report as follows:

That S. B. No. 151, be concurred in.

HOLTON, Chairman."

On motion of Holton, report adopted.

"Mr. Speaker:

We, your Committee on Corporations other than Municipal, having had under consideration, S. B. No. 103, introduced by Speer: "A Bill for an Act entitled: 'An Act to amend Section 5993, Revised Codes of Montana 1921, relating to manner of making capital stock of domestic corporations assessable,'" respectfully report as follows:

That S. B. No. 103, be concurred in.

HOLTON, Chairman."

On motion of Holton, report adopted.

"Mr. Speaker:

We, your Committee on Townships and Counties, having had under consideration, S. B. No. 184, introduced by Hazelbaker: "A Bill for an Act entitled: 'An Act providing a commission-manager form of government for counties, providing for the election of officers therein, defining their powers and duties and providing for their compensation,'" respectfully report as follows:

That S. B. No. 184, be reported back with the recommendation that the same be concurred in.

SPENCER, Chairman."

On motion of Spencer, report adopted.

"Mr. Speaker:

We, your Committee on Townships and Counties, having had under consideration, S. B. No. 93, introduced by Haley: "A Bill for an Act entitled: 'An Act fixing the charge to be allowed to any state or county officer for the use of automobile when necessarily used in the performance of his official duty,'" respectfully report as follows:

That S. B. No. 93, be not concurred in.

SPENCER, Chairman."

Moved by Spencer that the report be adopted.

Moved by Gullidge, as a substitute, duly seconded and carried, that Senate Bill No. 93 be placed on General Orders.

"Mr. Speaker:

We, your Committee on Townships and Counties, having had under consideration, S. B. No. 64, introduced by Stewart of Meagher: "A Bill for an Act entitled: 'An Act to amend Sections 2238 and 2239 of the Revised Codes

of Montana of 1921 relating to the collection of personal property taxes,' respectfully report as follows:

That S. B. No. 64, be not concurred in.

SPENCER, Chairman."

On motion of Spencer, report adopted.

"Mr. Speaker:

We, your Committee on Public Utilities, having had under consideration, S. B. No. 205, introduced by Paul, Dowlin and Clark: "A Bill for an Act entitled: 'An Act creating the Montana Pioneer Historical Fund, the Pioneer Historical Society Commission and defining and describing its powers and duties,'" respectfully report as follows:

That S. B. No. 205, the Committee recommend that it be referred to the House with the recommendation:

That it be concurred in as amended.

Amendments: insert Section 1, as follows:

Section 1. The Historical and miscellaneous library shall hereafter be known as and called the Historical Society of Montana.

Renumber New Section 3, by inserting in line 8, Page 1, after the words: "shall be one" the following: "the treasurer of the State of Montana for the time being shall be one."

And in said line 8, change the word "Library" to "Society."

And in line 10, change the word "Four" to "Three."

Amend New Section 4, Line 2, by changing the word "Library" to "Society."

Amend New Section 5, by changing the first word "Library" in line 3 to "Society" and changing the words "Library and Society" in said line 3 to "Societies."

Amend new Section 6, by changing the word "Library" in line 4, page 2, to "Society."

Amend new Section 10, by changing the word "Library" in line 4 to "Society."

Amend new Section 12, by changing the word "Library" in line 3 to "Society."

Amend by inserting a new Section 13 as follows:

Section 13. All Acts and parts of Acts in conflict herewith are hereby repealed."

And renumber Section 12 as Section 14.

BERRYMAN, Chairman."

On motion of Berryman, report adopted.

"Mr. Speaker:

We, your Committee on New Counties and Divisions, having had under consideration, S. B. No. 161, introduced by Coburn, a Bill for an Act entitled: "An Act amending Section 4390 of the Revised Codes of Montana, 1921, relating to the creation of new counties and for the prorating of the debts and assets of such county, and providing for the conforming of all other provisions herein which may be in some particulars in conflict therewith," respectfully report as follows:

That Senate Bill No. 161 be not concurred in.

CARLSON of McCone, Chairman."

On motion of Carlson of McCone, report adopted.

"Mr. Speaker:

We, your Committee on Townships and Counties, to which was referred House Bill No. 383, introduced by Pope, Brandjord, and Elliott, and being a Bill for an Act entitled: "An Act providing a commission form of government for counties, providing for the election and appointment of officers therein, defining their powers and duties and providing for their compensation," do hereby beg to report that we have met and considered the said bill and do further report as follows:

We recommend that the said bill be amended by striking out in Section 13 thereof, on page 7, lines numbered 2, 3, 4, 5 and 6, and by inserting in lieu thereof the following:

"In counties of the first class three thousand six hundred dollars per annum; in counties of the second and third classes three thousand dollars per annum; in counties of the fourth and fifth classes two thousand four hundred dollars per annum; and in counties of the sixth, seventh and eighth classes two thousand one hundred dollars per annum."

That the said bill be further amended by inserting in Section 17 thereof in line 1 on Page 9 of the typewritten bill, after the word "commissioner" the following words "to have charge of (here insert the designation of the department of which such commissioner is to have charge.):"

We further recommend that the said bill be amended by adding to Section 19 thereof the following words:

"The Ballot shall also designate the department of which the commissioner, or commissioners voted for shall have charge."

We further recommend that the bill be amended by striking out all of Sections 33, 34, and 35 and by inserting in lieu thereof the following:

"Section 33. The executive and administrative powers, authority and duties of the county shall be distributed into and among the following departments:

A department of Finance, Records and Accounts;

A department of Public Safety;

A department of Public Works;

A department of Public Health; and

A department of Law."

"The commissioner elected to have charge of a department shall be some person who has training, experience and other essential qualifications for the discharging of the duties of his department."

"Section 34. The Commissioner of Finance, Records and Accounts shall have, possess, exercise and perform all of the powers, authority, and duties which are now, or may hereafter be prescribed by the laws of the State, for or required of County Treasurers, County Assessors, County Clerks and Recorders, County Auditors and Public Administrators."

"Section 35. The Commissioners of Public Safety shall have, possess, exercise and perform all of the powers, authority and duties which are now or may be hereafter prescribed for, or required of County Sheriffs, and when exercising or performing such powers, authority or duties he shall be designated as Sheriff. The Commissioner of Public Safety shall designate one of his assistants to act as under-sheriff, and shall designate others thereof to act as "Deputy-Sheriffs."

"Section 36. The Commissioner of Public Safety shall have the control and management of, and have charge of the construction, repair, improvement and maintenance of all public buildings of the county, of all roads, streets, alleys, sidewalks, bridges, viaducts, and other public ways, sewers, drains, ditches, culverts, streams and water courses, boulevards, parks, play grounds, cemeteries and other places and grounds, except such as are under the jurisdiction, control and management of incorporated cities and towns and their boards and officers. He shall also be responsible for the making and preservation of all surveys, maps, plans, drawings, and estimates for such public work, and for the preservation of contracts, papers, plans, tools, and appliances belonging to the county and pertaining to the functions of his department.

Whenever the commission may deem it necessary such commission may employ a county surveyor or county engineer, but such surveyor or engineer must have the same qualifications as are prescribed by the general laws of the state for county surveyors, and such county surveyor shall be assigned to the Department of Public Works, and shall be under the direction and control of the Commissioner of Public Works, and perform such duties as may be imposed upon him by the commission."

We further recommend that the bill be amended by striking out all of Section 40 and by inserting in lieu thereof the following:

"Section 40. The Commission shall, by majority vote of its members, appoint a County Superintendent of Schools, who shall serve for a term of two years from the date of his or her appointment, unless sooner removed by the Commission for good and sufficient cause; provided, however, that before a County Superintendent so appointed shall be removed, he or she shall be given written notice of the intended removal which notice shall set forth the reasons



for such intended removal. Such removal shall not take place before such Superintendent has been given a public hearing before the Commission, and not then unless ample cause shall have been established justifying the Commission in making such removal. No person shall be appointed to the office of county superintendent of schools unless such person shall be a graduate of a four year accredited high school, shall have had at least two years work in some recognized normal school or college and at least three years experience as a teacher and be the possessor of a state certificate issued by the State of Montana. The compensation of the county superintendent of schools shall be fixed by the commission. He shall have such power and authority and exercise and perform such duties as are prescribed for and required of county superintendents of schools by the general laws of the state."

We further recommend that as so amended, the bill do pass.

SPENCER, Chairman."

On motion of Spencer, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration, S. B. No. 154, by Griffin, entitled: "An Act to amend Section 2211 of the Revised Codes of Montana of 1921, relating to redemption from tax sale and payment of tax by incumbrance," respectfully report as follows:

That S. B. No. 154 be amended by inserting in Section 1, line 24, after the word "personal," the word "property," and by adding to such section the words, "on the same percentage basis as the tax assessed against the real estate is apportioned," and that when so amended the Bill be concurred in.

KENYON, Chairman."

On motion of Scharnikow, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration, S. B. No. 120, by Duncan, entitled: "An Act to amend Section 12433 of the Revised Codes of Montana of 1921, relating to the disposition of fines; costs and forfeitures of all courts except police courts," respectfully report as follows:

That S. B. No. 120 be amended by inserting in Section 1, line 18, after the word "and," the words, "if not otherwise provided by law," and that as so amended the Bill be concurred in.

KENYON, Chairman."

On motion of Scharnikow, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration, S. B. No. 142, by Demel, entitled: "An Act amending Section 9485 and 9487 of the Revised Codes of the State of Montana of 1921, relating to quieting title to real estate," respectfully report as follows:

That S. B. No. 142 be concurred in.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration, S. B. No. 190, by Gibson, entitled: "An Act to amend Section 12247 of the Revised Codes of 1921, relating to the power of the Governor to grant pardons, commutation of sentence, remission of fines and forfeitures, and creation of Board of Pardons," respectfully report as follows:

That S. B. No. 190 be concurred in.

KENYON, Chairman."

On motion of Kenyon, report adopted.

Mr. Speaker gave notice that he was about to sign House Bill No. 146 and thereupon signed the same.

#### MOTIONS AND RESOLUTIONS

Moved by Gullidge, duly seconded and carried that Senate Bill No. 143 be taken from General Orders and placed on third reading.

## THIRD READING OF SENATE BILLS

S. B. No. 39, by McCone, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bray, Bricker, Buchanan, Buell, Buttelman, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Duffy, Elliott, Facey, Flynn, Goodman, Gullidge, Hamilton, Hanson, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, O'Connell, Oker, Ostby, Peden, Perrine, Pope, Rasmussen, Ridle, Rodgers, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Stoddard, Swift, Taylor, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—77.

Noes: none.

Absent and not voting: Andrew, Andrus, Bosley, Brandjord, Burke, Cady, Caplis, Cowley, Denny, English, Fulsher, Gillette, Gillin, Harris, Kelly (Silver Bow), Kenyon, Nelson, Pilgeram, Roscow, Spencer, Stoner, Strange, Tawney. Total—23.

S. B. No. 181, by Committee on Judiciary, having been read three several times, and title and history agreed to, was concurred in by the following vote:

Ayes: Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Brandjord, Bray, Bricker, Buchanan, Buell, Burke, Buttelman, Carlson (McCone), Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Duffy, Elliott, Facey, Flynn, Goodman, Gullidge, Hamilton, Hanson, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Swift, Taylor, Terrett, Tierney, Troy, Wold, Mr. Speaker. Total—78.

Noes: none.

Absent and not voting: Andrew, Andrus, Bosley, Cady, Caplis, Carlson (Gallatin), Cavanaugh, Cowley, Denny, English, Fulsher, Gillette, Gillin, Harris, Kelly (Silver Bow), Kenyon, Lemmon, Roscow, Stoner, Strange, Tawney, Zuck. Total—22.

S. B. No. 106, by Greening, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Arnold, Baker, Benedict, Bergstrom, Bohling, Brandjord, Bray, Bricker, Buchanan, Buell, Buttelman, Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Elliott, English, Facey, Flynn, Goodman, Gullidge, Hamilton, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Kinville, Larson (Richland), Lease, Leavens, Lemmon, McCarty, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, Oker, Peden, Pope, Rasmussen, Ridle, Rodgers, Ruffcorn, Scharnikow, Seidensticker, Smith, Spencer, Stoddard, Swift, Taylor, Terrett, Troy, Wold, Zuck. Total—65.

Noes: Larsen (Sheridan), McAfee, McCormack, O'Connell, Ostby, Perrine, Pilgeram, Sandy, Tierney, Mr. Speaker. Total—10.

Absent and not voting: Andrew, Andrus, Armstrong, Bernard, Berryman, Boorman, Bosley, Burke, Cady, Caplis, Carlson (Gallatin), Cowley, Duffy, Fulsher, Gillette, Gillin, Hanson, Harris, Kelly (Silver Bow), Loble, Roscow, Smethurst, Stoner, Strange, Tawney. Total—25.

S. B. No. 140, by Committee on Banks and Banking, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Arnold, Baker, Benedict, Bergstrom, Berryman, Bohling, Brandjord, Bray, Bricker, Buchanan, Buell, Buttelman, Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, English, Facey, Flynn, Goodman, Hamilton, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, McAfee, McCarty, McCormack, McLeod, Maury,



Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pope, Rasmussen, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Swift, Taylor, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—73.

Noes: Armstrong, Burke, Pilgeram, Ridle. Total—4.

Absent and not voting: Andrew, Andrus, Bernard, Boorman, Bosley, Cady, Caplis, Carlson (Gallatin), Cowley, Elliott, Fulsher, Gillette, Gillin, Gullidge, Hanson, Harris, Kelly (Silver Bow), Loble, Rodgers, Roscow, Stoner, Strange, Tawney. Total—23.

Sub. for S. B. No. 56, by Judiciary Committee, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Bohling, Brandjord, Bray, Bricker, Buchanan, Buell, Burke, Buttleman, Carlson (McCone), Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, English, Facey, Flynn, Goodman, Gullidge, Hamilton, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Rasmussen, Ridle, Rodgers, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Taylor, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—76.

Noes: none.

Absent and not voting: Andrew, Andrus, Bernard, Boorman, Bosley, Cady, Caplis, Carlson (Gallatin), Cavanaugh, Cowley, Elliott, Fulsher, Gillette, Gillin, Hanson, Harris, Kelly (Silver Bow), Leavens, Pope, Roscow, Stoner, Strange, Swift, Tawney. Total—24.

Sub. S. J. R. No. 2, by Committee on Railroads, having been read three several times was passed without dissenting vote.

S. B. No. 134, by Paul, Dowlin and Clark, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Brandjord, Bray, Bricker, Buchanan, Buell, Burke, Buttleman, Cady, Clark, Cronk, Davis (Fergus), Dean, Dell, Duffy, Elliott, English, Facey, Flynn, Goodman, Gullidge, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Pilgeram, Rasmussen, Ridle, Rodgers, Sandy, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Taylor, Terrett, Tierney, Wold, Zuck, Mr. Speaker. Total—71.

Noes: none.

Absent and not voting: Andrew, Andrus, Boorman, Bosley, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Cowley, Davis (Wibaux), Denny, Fulsher, Gillette, Gillin, Hamilton, Hanson, Harris, Kelly (Silver Bow), McCormack, Perrine, Pope, Roscow, Ruffcorn, Scharnikow, Stoner, Strange, Swift, Tawney, Troy. Total—29.

S. B. No. 67, by Kane, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Armstrong, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Brandjord, Bray, Bricker, Buchanan, Buell, Burke, Buttleman, Cady, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Duffy, Elliott, English, Facey, Flynn, Goodman, Gullidge, Hamilton, Hanson, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McCarty, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Ruffcorn, Sandy, Seidensticker, Smethurst, Smith, Spencer, Taylor, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—77.

Noes: Arnold. Total—1.

Absent and not voting: Andrew, Andrus, Bosley, Caplis, Cowley, Denny, Fulsher, Gillette, Gillin, Harris, Kelly (Silver Bow), Kinville, McAfee, McCormack.



mack, Peden, Roscow, Scharnikow, Stoddard, Stoner, Strange, Swift, Tawney. Total—22.

S. B. No. 98, by Harmon, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Armstrong, Arnold, Baker, Benedict, Bergstrom, Bohling, Boorman, Brandjord, Bray, Bricker, Buchanan, Buell, Burke, Buttleman, Cady, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Elliott, Facey, Goodman, Gullidge, Hamilton, Hanson, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McCarty, McLeod, Maury, Mushbach, Myrick, Nelson, O'Connell, Oker, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Ruffcorn, Sandy, Seidensticker, Smith, Spencer, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—68.

Noes: none.

Absent and not voting: Andrew, Andrus, Bernard, Berryman, Bosley, Caplis, Cowley, Denny, Duffy, English, Flynn, Fulsher, Gillette, Gillin, Harris, Kelly (Silver Bow), Kinville, McAfee, McCormack, Murphy, Ostby, Peden, Roscow, Scharnikow, Smethurst, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Terrett. Total—32.

S. B. No. 42, by Pomeroy, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Baker, Benedict, Bergstrom, Berryman, Bohling, Boorman, Bray, Bricker, Buchanan, Cady, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Dean, Dell, Duffy, Facey, Flynn, Goodman, Hamilton, Hanson, Hawley, Hoffman, Holton, Joffray, Johnson, Kenyon, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Loble, McCarty, Maury, Mushbach, Myrick, Oker, Perrine, Ruffcorn, Sandy, Seidensticker, Smethurst, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—50.

Noes: Armstrong, Brandjord, Burke, Elliott, Gullidge, Kelly (Pondera), Kennedy, Kinville, Lemmon, McLeod, Murphy, Nelson, Pilgeram, Pope, Ridle, Roscow, Smith, Taylor. Total—18.

Absent and not voting: Andrew, Andrus, Arnold, Bernard, Bosley, Buell, Buttleman, Caplis, Cowley, Davis (Wibaux), Denny, English, Fulsher, Gillette, Gillin, Harris, Kelly (Silver Bow), McAfee, McCormack, O'Connell, Ostby, Peden, Rasmussen, Roscow, Scharnikow, Spencer, Stoddard, Stoner, Strange, Swift, Tawney, Terrett. Total—32.

S. B. No. 132 by Committee on Dairies and Dairying, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Arnold, Baker, Benedict, Bergstrom, Berryman, Bohling, Boorman, Brandjord, Bray, Bricker, Buchanan, Buttleman, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Denny, Duffy, Elliott, Facey, Flynn, Goodman, Gullidge, Hamilton, Hanson, Hawley, Holton, Joffray, Johnson, Kelly (Pondera), Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McCormack, McLeod, Maury, Murphy, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Rasmussen, Rodgers, Ruffcorn, Sandy, Seidensticker, Smethurst, Smith, Taylor, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—67.

Noes: Armstrong, Burke, Dell, Kennedy, Mushbach, Spencer. Total—6.

Absent and not voting: Andrew, Andrus, Bernard, Bosley, Buell, Cady, Caplis, Cowley, English, Fulsher, Gillette, Gillin, Harris, Hoffman, Kelly (Silver Bow), McAfee, McCarty, Pope, Ridle, Roscow, Scharnikow, Stoddard, Stoner, Strange, Swift, Tawney, Terrett. Total—27.

S. B. No. 107, by McQuitty, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Arnold, Baker, Benedict, Bergstrom, Bohling, Brandjord, Bray, Bricker, Buttleman, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, Facey, Flynn, Goodman, Gullidge, Hanson, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nel-

son, Oker, Ostby, Peden, Perrine, Pilgeram, Rasmussen, Rodgers, Sandy, Seidensticker, Smethurst, Smith, Spencer, Taylor, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—64.

Noes: Armstrong, Berryman, Buchanan, Burke, Davis (Fergus), Hamilton, Hawley, O'Connell, Pope. Total—9.

Absent and not voting: Andrew, Andrus, Bernard, Boorman, Bosley, Buell, Cady, Caplis, Cowley, English, Fulsher, Gillette, Gillin, Harris, Kelly (Silver Bow), McAfee, McCarty, Ridle, Roscow, Ruffcorn, Scharnikow, Stoddard, Stoner, Strange, Swift, Tawney, Terrett. Total—27.

Moved by Gullidge, duly seconded and carried that the House recess until 2:00 P. M.

#### AFTERNOON SESSION

House resumed at 2:00 p. m.

Mr. Speaker in the chair.

Moved by Kelly of Pondera and duly seconded that the House reconsider its action in adopting the report of the Committee on Senate Bill No. 64. Mr. Speaker stated that the Journal will show that the motion has been made. subject to being called up when on proper order of business.

Call of the House demanded by Boorman, seconded by fifteen members.

Moved by Boorman, duly seconded and carried that further proceedings under Call of the House be dispensed with.

#### THIRD READING OF SENATE BILLS

S. B. No. 86, by Dowlin, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrew, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Bohling, Boorman, Brandjord, Bray, Bricker, Burke, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Cowley, Dean, Dell, Denny, Duffy, Facey, Flynn, Gillin, Goodman, Hamilton, Hanson, Hoffman, Holton, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, Oker, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Ruffcorn, Sandy, Seidensticker, Smethurst, Smith, Spencer, Strange, Swift, Taylor, Terrett, Troy, Wold, Zuck, Mr. Speaker. Total—68.

Noes: Buell, Cronk, Kenyon. Total—3.

Absent and not voting: Andrus, Berryman, Bosley, Buchanan, Buttleman, Cady, Caplis, Clarke, Davis (Fergus), Davis (Wibaux), Elliott, English, Fulsher, Gillette, Gullidge, Harris, Hawley, Joffray, Kinville, Larson (Richland), McAfee, O'Connell, Ostby, Roscow, Scharnikow, Stoddard, Stoner, Tawney, Tierney. Total—29.

S. B. No. 126, by Mears, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Arnold, Baker, Benedict, Bergstrom, Berryman, Boorman, Buchanan, Burke, Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Dean, Dell, Denny, Duffy, Elliott, Facey, Flynn, Goodman, Hanson, Hoffman, Holton, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Larsen (Sheridan), Lease, Leavens, Loble, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, Oker, Ostby, Peden, Perrine, Pilgeram, Rasmussen, Ridle, Ruffcorn, Sandy, Scharnikow, Smethurst, Smith, Spencer, Strange, Swift, Taylor, Terrett, Troy, Wold, Zuck, Mr. Speaker. Total—61.

Noes: Armstrong. Total—1.

Absent and not voting: Andrew, Andrus, Bernard, Bohling, Bosley, Brandjord, Bray, Bricker, Buell, Buttleman, Cady, Caplis, Carlson (Gallatin), Cowley, Davis (Wibaux), English, Fulsher, Gillette, Gillin, Gullidge, Hamilton, Harris, Hawley, Joffray, Kinville, Larson (Richland), Lemmon, McAfee, McCarty, O'Connell, Pope, Rodgers, Roscow, Seidensticker, Stoddard, Stoner, Tawney, Tierney. Total—38.

S. B. No. 195, by Church, having been read three several times and title and history agreed to, was concurred in by the following vote:



Ayes: Andrew, Arnold, Baker, Benedict, Bernard, Berryman, Boorman, Bricker, Buchanan, Buttleman, Carlson (McCone), Cavanaugh, Clarke, Cronk, Dean, Dell, Elliott, Goodman, Gullidge, Hanson, Hoffman, Holton, Johnson, Kenyon, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McLead, Murphy, Mushbach, Myrick, Nelson, Oker, Ostby, Peden, Ridle, Ruffcorn, Smith, Strange, Swift, Taylor, Troy, Wold, Zuck, Mr. Speaker. Total—48.

Noes: Armstrong, Bergstrom, Burke, Cowley, Davis (Fergus), Denny, Duffy, Facey, Flynn, Hamilton, Kelly (Pondera), Kelly (Silver Bow), McCormack, Maury, Perrine, Pilgeram, Pope, Rasmussen, Sandy, Smethurst, Terrett. Total—21.

Absent and not voting: Andrus, Bohling, Bosley, Brandjord, Bray, Buell, Cady, Caplis, Carlson (Gallatin), Davis (Wibaux), English, Fulsher, Gillette, Gillin, Harris, Hawley, Joffray, Kennedy, Kinville, McAfee, McCarty, O'Connell, Rodgers, Roscow, Scharnikow, Seidensticker, Spencer, Stoddard, Stoner, Tawney, Tierney. Total—31.

S. B. No. 123, by Cowan, having been read three several times and title and history agreed to, failed of concurrence by the following vote:

Ayes: Arnold, Bernard, Bricker, Cronk, Duffy, Kelly (Pondera), Kenyon, Lease, Leavens, Lemmon, McCormack, McLeod, Murphy, Myrick, Ostby, Rodgers, Strange, Troy, Zuck. Total—19.

Noes: Andrew, Armstrong, Baker, Benedict, Bergstrom, Berryman, Bosley, Bray, Buchanan, Burke, Buttelman, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cowley, Davis (Fergus), Dean, Dell, Denny, Elliott, Facey, Flynn, Goodman, Gullidge, Hamilton, Hanson, Hoffman, Holton, Kelly (Silver Bow), Kennedy, Larson (Richland), Larsen (Sheridan), Loble, Maury, Mushbach, Nelson, Oker, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Ruffcorn, Sandy, Scharnikow, Smethurst, Smith, Spencer, Swift, Taylor, Terrett, Wold, Mr. Speaker. Total—55.

Absent and not voting: Andrus, Bohling, Boorman, Brandjord, Buell, Cady, Caplis, Davis (Wibaux), English, Fulsher, Gillette, Gillin, Harris, Hawley, Joffray, Johnson, Kinville, McAfee, McCarty, O'Connell, Roscow, Seidensticker, Stoddard, Stoner, Tawney, Tierney. Total—26.

S. B. No. 189, by Committee on Stock Growing and Grazing, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrew, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bosley, Brandjord, Bricker, Buchanan, Burke, Buttleman, Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Dean, Dell, Denny, Duffy, Elliott, Flynn, Goodman, Gullidge, Hamilton, Hoffman, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Larson (Richland), Lease, Leavens, Lemmon, Loble, McLeod, Maury, Murphy, Mushbach, Oker, Ostby, Peden, Perrine, Pilgeram, Rasmussen, Ridle, Rodgers, Ruffcorn, Sandy, Scharnikow, Smethurst, Smith, Spencer, Strange, Swift, Taylor, Terrett, Troy, Wold, Zuck, Mr. Speaker. Total—64.

Noes: Facey, Larsen (Sheridan), McCormack. Total—3.

Absent and not voting: Andrus, Bohling, Boorman, Bray, Buell, Cady, Caplis, Carlson (Gallatin), Cowley, Davis (Wibaux), English, Fulsher, Gillette, Gillin, Hanson, Harris, Hawley, Holton, Joffray, Johnson, Kinville, McAfee, McCarty, Myrick, Nelson, O'Connell, Pope, Roscow, Seidensticker, Stoddard, Stoner, Tawney, Tierney. Total—33.

S. B. No. 122 by Rhoads, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrew, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Brandjord, Bricker, Buchanan, Buttleman, Carlson (McCone), Cavanaugh, Clarke, Cowley, Cronk, Davis (Fergus), Dean, Dell, Denny, Duffy, Elliott, Facey, Flynn, Goodman, Gullidge, Hamilton, Hoffman, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle,



Rodgers, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Strange, Swift, Taylor, Terrett, Troy, Wold, Zuck, Mr. Speaker. Total—70.  
Noes: Armstrong, Bosley, Burke. Total—3.

Absent and not voting: Andrus, Bohling, Boorman, Bray, Buell, Cady, Caplis, Carlson (Gallatin), Davis (Wibaux), English, Fulsher, Gillette, Gillin, Hanson, Harris, Hawley, Holton, Joffray, Kinville, McAfee, Nelson, O'Connell, Roscow, Stoddard, Stoner, Tawney, Tierney. Total—27.

S. B. No. 143, by Committee on Public Morals, Charities and Reforms, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Brandjord, Bricker, Buchanan, Burke, Carlson (McCone), Clark, Cowley, Davis (Fergus), Dean, Dell, Duffy, Elliott, Facey, Flynn, Goodman, Gullidge, Holton, Kelly (Pondera), Kennedy, Kenyon, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Loble, McCarty, McCormack, McLeod, Murphy, Mushbach, Myrick, Nelson, Oker, Peden, Perrine, Pilgeram, Pope, Ridle, Rodgers, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Swift, Taylor, Terrett, Troy, Zuck, Mr. Speaker. Total—59.

Noes: Bosley. Total—1.

Absent and not voting: Andrew, Andrus, Bohling, Boorman, Bray, Buell, Buttelman, Cady, Caplis, Carlson (Gallatin), Cavanaugh, Cronk, Davis (Wibaux), Denny, English, Fulsher, Gillette, Gillin, Hamilton, Hanson, Harris, Hawley, Hoffman, Joffray, Johnson, Kelly (Silver Bow), Kinville, Lemmon, McAfee, Maury, O'Connell, Ostby, Rasmussen, Roscow, Stoddard, Stoner, Strange, Tawney, Tierney, Wold. Total—40.

### THIRD READING OF HOUSE BILLS.

H. B. No. 171, by Mushbach, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bosley, Brandjord, Bricker, Buchanan, Burke, Buttelman, Carlson (McCone), Clarke, Cowley, Cronk, Davis (Fergus), Dean, Dell, Duffy, Elliott, Facey, Flynn, Goodman, Gullidge, Hamilton, Holton, Johnson, Kelly (Pondera), Kennedy, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McCarty, McCormack, McLeod, Mushbach, Myrick, Nelson, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rodgers, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Strange, Swift, Taylor, Terrett, Troy, Zuck, Mr. Speaker. Total—64.

Noes: None.

Absent and not voting: Andrew, Andrus, Bohling, Boorman, Bray, Buell, Cady, Caplis, Carlson (Gallatin), Cavanaugh, Davis (Wibaux), Denny, English, Fulsher, Gillette, Gillin, Hanson, Harris, Hawley, Hoffman, Joffray, Kelly (Silver Bow), Kenyon, Kinville, McAfee, Maury, Murphy, O'Connell, Rasmussen, Ridle, Roscow, Stoddard, Stoner, Tawney, Tierney, Wold. Total—36.

Upon request of Brandjord and with unanimous consent reverted to:

### MOTIONS AND RESOLUTIONS.

Moved by Burke, duly seconded that the House reconsider its action in adopting committee report on Senate Bill No. 161.

Moved by Brandjord, duly seconded and carried, that the motion be laid upon the table.

### CONSIDERATION OF GENERAL ORDERS.

Moved by Gullidge, duly seconded and carried that the House resolve itself into a Committee of the Whole for the consideration of General Orders, under the same restrictions as obtained during the past few days.

Kelly of Pondera in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole, having had under consideration bills on General Orders, respectfully report back with the recommendation that:

S. B. No. 16: Be concurred in.

S. B. No. 101: Be concurred in.

S. B. No. 210; Be concurred in.

S. B. No. 136: That the enacting clause be stricken out.

S. B. No. 182: Be concurred in.

S. B. No. 62: Be concurred in.

S. B. No. 172: That the enacting clause be stricken out.

S. B. No. 112: Be concurred in.

S. J. R. No. 3: Be concurred in.

H. J. R. No. 3: Do pass.

Sub. for S. B. No. 1 and 19: Be placed at the foot of the list on General Orders.

S. B. No. 102: That the enacting clause be stricken out.

S. B. No. 66: Be amended as follows:

Section 1 by striking out all of Sub-section No. 9.

Section 1 by striking out in line 22 of the printed bill the word "three" and inserting in lieu thereof the word "two."

And when so amended, be concurred in.

S. B. No. 119: That the enacting clause be stricken out.

H. B. No. 384: Do pass.

That committee report with request for the privilege of sitting again.

KELLY of Pondera, Chairman."

Moved by Kelly of Pondera, duly seconded, that the report be adopted.

Moved by Rodgers, duly seconded and carried, that Senate Bill No. 172 be segregated from the report of the Committee of the Whole.

Moved by Goodman and duly seconded that Senate Bill No. 36 be segregated from the report of the Committee of the Whole.

Moved by Terrett, duly seconded and carried that motion be tabled.

The question arising on the adopting of the report of the Committee of the Whole with the exception of Senate Bill No. 172, same carried.

Moved by Rodgers, duly seconded and carried, that Senate Bill No. 172 be referred to the Judiciary Committee.

Moved by Gullidge, duly seconded and carried that the House resolve itself into a Committee of the Whole to resume its work on General Orders.

Hamilton in the chair.

Committee arose.

Mr. Speaker pro tem in the chair.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole, having had under consideration bills on General Orders, respectfully report back with the recommendation that:

H. B. No. 385: Do pass.

H. B. No. 386: Do pass.

H. B. No. 387: Do pass.

H. B. No. 323: Do pass.

H. B. No. 373: Be amended as follows:

Section 1 by adding in line 4 after the figures "109" the following: "by L. C. Thomas and the money hereby appropriated shall be paid to L. C. Thomas."

And when so amended, do pass.

H. B. No. 388: Do pass.

H. B. No. 277: Do pass.

H. B. No. 147: That Senate amendments be concurred in.

HAMILTON, Chairman."

On motion of Hamilton, report adopted.

The Committee on Printing reported as follows:

"Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bills, Nos. 277, 323, 373, 388, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman."

Moved by Lease, duly seconded, that the House reconsider its last action on Senate Bill No. 123. Mr. Speaker pro tem ruled that the Journal show that the motion was made, and may be called up for vote when on proper order of business.

Moved by Kinville, duly seconded and carried, that the House adjourn until Saturday, February 24, at 10:30 a. m.

CALVIN CRUMBAKER, Speaker.

Attest: JAMES A. SHOEMAKER, Chief Clerk.

## FIFTY-FIFTH DAY

House of Representatives,  
February 24, 1923.

House convened pursuant to adjournment at 10:30 a. m.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Upon roll call all members present except: Andrus, Fulsher, Gillin, Scharnikow, absent; Gillette and Stoner, excused.

The Committee on Journal reported as follows:

"Mr. Speaker:

We, your Committee on Journal, have this day examined the Journal for the 54th legislative day and found the same correct.

BUCHANAN, Chairman."

Report adopted.

The Committee on Engrossment reported as follows:

"Mr. Speaker:

We, your Committee on Engrossment, to whom was referred H. B. No. 384, beg leave to report same back correctly engrossed.

LARSON of Richland, Chairman."

"Mr. Speaker:

We, your Committee on Engrossment, to whom was referred H. R. No. 3, beg leave to report same back correctly engrossed.

LARSON of Richland, Chairman."

## COMMUNICATIONS AND PETITIONS.

### COMMUNICATIONS FROM THE SENATE.

"Helena, Montana, February 23, 1923.

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 38, introduced by Cowley, was by the Committee on Finance and Claims recommended for non-concurrence, and bill is herewith returned to the House.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 23, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee of the Whole to whom was referred business on General File, recommend as follows:

That H. B. No. 127 be concurred in as amended by the committee.



That H. B. No. 19 be amended in Section 1, by striking out in lines 98 and 99 the words "ten per cent (10%) in excess of" and inserting in lieu thereof the words, "equal to" and amend section by striking out beginning with line 54, all following up to and including line 96 and as so amended be concurred in.

Respectfully,

J. F. CONE, Secretary of the Senate."

Moved by Boorman, duly seconded and carried that the following communications be considered read at length:

"Helena, Montana, February 23, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 76, introduced by Scharnikow, was this day read third time and concurred in, title agreed to, and is herewith returned to the House.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 23, 1923

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Substitute for House Bill No. 81, introduced by Committee on Revenue and Taxation, was this day, by the adoption of the majority report of the Senate Committee on Taxation, not concurred in. And bill is herewith transmitted to the House.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 23, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following House bills were this day recommended for non-concurrence by the following committees, and are herewith transmitted to the House:

House Joint Memorial No. 7, introduced by Larson of Sheridan, by Committee on Agriculture.

House Bill No. 168, by Burke, Committee on Judiciary.

House Bill No. 162, by Troy, Committee on Judiciary.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 23, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the President of the Senate this day appointed the following Senators to act as a joint committee with a like committee from the House on House Bill No. 49:

Loy, Oliver, Healy.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 23, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the President of the Senate this day appointed the following Senators to act as a joint committee with a like committee from the House on House Bill No. 131:

Greening, Henderson, McQuitty.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"February 23, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the standing committees this day report as follows:

Committee on Federal Relations: House Bill No. 240, introduced by Smith, recommend same be concurred in.

Committee on Horticulture: House Bill No. 120, introduced by Bernard:  
Recommend same be concurred in.

Committee on Constitutional Amendments: House Bill No. 27, introduced by Brandjord:

Recommend same be concurred in.

Committee on Agriculture: House Joint Memorial No. 7, introduced by Larsen of Sheridan:

Recommend same be not concurred in.

Committee on Judiciary: House Bill No. 178, introduced by Myrick, Pilgeram and Bricker:

Recommend same be not concurred in.

Committee on Judiciary: House Bill No. 162, introduced by Troy:

Recommend same be not concurred in.

Committee on Judiciary: House Bill No. 168, introduced by Burke:

Recommend same be not concurred in.

Committee on Elections and Privileges: House Bill No. 255, introduced by Pilgeram:

Recommend same do pass.

Committee on Stockgrowing and Grazing: House Bill No. 281, introduced by Committee on Stockgrowing and Grazing:

Recommend same be concurred in.

Committee on Stockgrowing and Grazing: House Bill No. 280, introduced by Committee on Stockgrowing and Grazing:

Recommend same be concurred in.

Committee on Stockgrowing and Grazing: House Bill No. 115, introduced by Committee on Stockgrowing and Grazing:

Recommend same be concurred in.

Committee on Stockgrowing and Grazing: House Bill No. 166, introduced by Committee on Stockgrowing and Grazing:

Recommend same be concurred in.

Committee on Stockgrowing and Grazing: House Bill No. 283, introduced by Committee on Stockgrowing and Grazing:

Recommend same be concurred in.

Committee on Capital and Labor: House Bill No. 262, introduced by Pope:

Recommend same be concurred in.

Committee on Agriculture: House Bill No. 229, introduced by Committee on Agriculture:

Recommend same be amended as follows: Amend Section 7, line 13 of the engrossed bill by striking out the word "infected" and insert in lieu thereof the word "infested" and as amended the bill be concurred in.

Committee on Agriculture: House Bill No. 198, introduced by Hoffman:

Recommend that the same be amended to read as follows: Amend title by striking out in line 5 of engrossed bill the word "Receipts" and insert in lieu thereof the word "certificate."

Amend Section 2, line 24 of engrossed bill by striking out the word "from" and insert in lieu thereof the word "form."

Strike out in Section 2, line 28 of the engrossed bill the word "twenty-five" and insert in lieu thereof the word "fifty."

Amend Section 5, lines 17 and 18, by striking out beginning with the words "the county to pay" in line 17 and all the remainder of line 17 and 18.

Amend Section 6, line 28, by striking out the word "the" after the word "to" and inserting the word "be"

Amend Section 6, page 4, line 31 of the engrossed bill by inserting after the word "from," the word "in."

Amend Section 6, page 5, line 6, of engrossed bill by adding after the word "lives" the words "of all inspections made during that week."

Strike out in Section 10 beginning with the word "Whereas" in line 14, all of line 15 and the word "crops" in line 16.

Amend Section 4, line 1, by striking out the word "receipts" and insert in lieu thereof the word "certificates."

Amend Section 7, line 1, by striking out the word "receipts" and inserting the word "certificates."

Also amend in Section 7, line 15 of the engrossed bill by striking out the word "receipts" and insert in lieu thereof the word "certificates."

Strike out in Section 1, line 4 of the printed bill the word "receipt" and insert in lieu thereof the word "certificate."

Amend Section 4, line 9 of the printed bill by striking out the word "receipt" and inserting the word "certificate."

Amend Section 7, line 4, by striking out the word "receipt" and inserting the word "certificate."

And as amended the bill be concurred in.

J. F. CONE, Secretary of the Senate."

"February 23, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the standing committee this day reported as follows:

Committee on Finance and Claims: House Bill No. 271, introduced by Bricker:

Recommend that same be concurred in.

Committee on Finance and Claims: House Bill No. 268, introduced by Committee on Appropriations:

Recommend that same be concurred in

Committee on Finance and Claims: House Bill No. 38, introduced by Cowley:

Recommend that same be not concurred in.

Committee on Finance and Claims: Substitute for House Bill No. 59, introduced by Committee on Education:

That same be amended by striking out the word "of" in line 17, Section 1, page 1, after the word "one" and inserting in lieu thereof the word "or."

Amend by adding at the end of Section 1, the following words: "Provided, however, that nothing contained in this act shall be so construed as to prevent school districts issuing bonds from giving preference to bonds issued on the amortization plan, or otherwise amending the laws of this state in regard to amortization bonds. The amortization plan is here used in the sense defined by Section 1928 of the Revised Codes of Montana of 1921, as amended by the 18th Legislative Assembly."

And recommend that same be concurred in as amended.

Committee on Finance and Claims: House Bill No. 227, introduced by Committee on Appropriations:

Recommend that same be concurred in.

Committee on Finance and Claims: House Bill No. 157, introduced by Kenyon:

Recommend that same be concurred in.

Very respectfully.

J. F. CONE, Secretary of the Senate."

## REPORTS OF SELECT COMMITTEES

The following majority and minority reports of the Special Committee investigation were received:

"Helena, Montana, February 24, 1923.

To the House of Representatives:

The undersigned, a majority of your special committee to investigate the resolution introduced by Loble of Lewis and Clark county on January 9, 1923, respectfully report as follows:

Pursuant to authority granted by the House, public hearings were conducted on February 1, 3 and 5th, at which time witnesses, appearing both voluntarily and by subpoena, were questioned and testified under oath. Stenographic record was had of all of these proceedings, and careful study of this record prompts us to offer the following findings and recommendations:

The resolution called attention to the fact that under Section 11084 of the Revised Codes of Montana special officers are appointed with the contemplation that their salaries and expenses are to be paid out of the law enforcement fund, a fund maintained solely from fines collected from violators of the law. As stated in the resolution, this might present the situation that these special officers would be compelled to testify that they were being paid from this law enforcement fund, and lead a jury to conclude that such witnesses were interested, in a pecuniary way, in the outcome of the case.



We believe this point is well taken. From testimony given, it does not appear that this point has been successfully raised in the past, in this department, because apparently funds were privately raised and salaries paid before the cases were brought to trial, possibly with one exception. However in order that this important objection might not be raised, we would recommend that salaries and expenses of special officers be paid by the general fund of the State, with possibly some arrangement for reimbursing the general fund to such an extent from moneys received in the law enforcement fund.

The resolution under investigation then mentions enforcement officers and employees of the state prohibition enforcement department, which prove to refer to Eugene Van Wert, the chief of the special officers, and one William H. Countryman and one George Notuskoff

Everett Eugene (Gene) Van Wert.

Quoting the resolution: . . . "it is current rumor that one of the said special officers, now and for a long time in the employ of the State as a special officer and as chief of the prohibition forces of the State of Montana at a salary of \$3600, has heretofore in a Federal court, been convicted of accepting a bribe while acting as an officer of the Federal government."

The committee received and admitted a certified record of the U. S. district court, northern district of Iowa, eastern division, Case No. 4167, of the United State of America vs. Everett E. Van Wert. This committee admits that it is the record of said case and the facts of the defendant's—Van Wert's—conviction in said court for accepting a bribe for the purpose of influencing his official action while a federal officer.

This matter, being of official record, the committee is compelled to report it. Within the time and means allowed us, it was impossible to fully investigate any surroundings or circumstances in connection with this case in Iowa.

Solely for what it may or may not be worth, we mention the contents of a certain letter introduced in the testimony before the committee, such letter being written by one W. E. Johnson, "Pussyfoot Johnson," whom we believe to be of such national reputation that his letter could be given consideration.

Writing to Joseph Pope upon the occasion of the employment of Van Wert as a special officer by the Attorney General's department, Johnson explains the circumstances of the Van Wert conviction briefly, as follows:

In 1909 Van Wert secured indictments against certain saloonkeepers in Iowa. Their representative offered a bribe to Van Wert to receive leniency, in the event of their conviction. Van Wert, acting as an officer, arranged to take the money. Leniency was not recommended by Van Wert. Investigations were instigated. It was proven that Van Wert had accepted a bribe. Van Wert was tried in 1912. He pleaded guilty before Judge Reed, who in pronouncing sentence, praised the work of Van Wert in Iowa in highest terms. He was sentenced to three months' imprisonment. His imprisonment was only nominal. He carried the keys to the jail and kept the jail books."

Having admitted the certified record as a part of our investigation, your committee refers to the letter introduced in our investigation, simply as a matter of fairness, solely for what it is worth to the judgment of your honorable body.

William H. Countryman.

Quoting the resolution further, "it is further widely rumored that another special officer, either now in the employ of the State, or heretofore in its employ, is an ex-convict of the Montana State prison, and in the public press of the 4th day of January, 1923, it was detailed that Federal authorities for Montana had instituted condemnation proceedings against this automobile of this same State prohibition officer, for a violation of the Federal liquor laws, and that he had been arrested for a violation of the Federal liquor laws."

Your committee establishes that this refers to one William H. Countryman. From certified records furnished to your committee, these charges are undoubtedly true.

Items appearing in the press, during the course of these proceedings, would indicate that this same William Countryman has operated as detective in Butte in connection with the enforcement of the liquor laws, whether as an officer of the state department or not, we are not informed; that in the course of this operation he has become involved in perjury and other actions unbecoming an officer

George Motuskoff.

Quoting further the resolution: . . . . "that the records of the district court of the First judicial district of the State of Montana, in and for the county of Lewis and Clark, will show that another purported prohibition officer of the State of Montana, had, prior to his employment as such, been convicted of a violation of the same law that he was employed to enforce."

This we have established, to refer to one George Motuskoff, otherwise known as Jack Dell, and, according to the certified copies of record furnished the committee, the charge is undoubtedly true.

#### Conclusions.

Continuing the resolution: "and, whereas, such a condition of affairs, if it be true, is inimical to the best interests of the State of Montana, positively destructive of law enforcement, and is contrary to the ideals of those who have the ideals of prohibition at heart."

We recommend that no person be permitted to serve as one of the six special enforcement officers, who has not previously been appointed by the Board of Examiners as provided for in Section 11084 of the Codes, and also that no persons be employed to work under the direction of the special enforcement officers, without the authorization of the Attorney General.

As intimated in the resolution, it is an embarrassment to those who have the interests of prohibition at heart, as well as a serious proceeding, for the law enforcement department to employ any persons who have been guilty of violation of the Montana liquor laws, which they are employed to enforce.

The present State prohibition enforcement officer.

Regarding the character, integrity and ability of Eugene Van Wert, the chief of the State prohibition enforcement forces

Elsewhere in this report we have given, without comment, such information as has been presented to us, concerning an affair which took place fourteen years ago.

After listening to unimpeachable testimony regarding the character, integrity and ability of Mr. Van Wert, from the judge of the Federal court, judge of the supreme court of this State, the governor, the ex-governor, the ex-attorney general, numerous county attorneys who have known and worked with him, as well as other leading citizens, we are forced to the conclusion that he is an honest, capable and efficient officer and certainly a man to whom can be entrusted the enforcement of the State prohibition laws.

The departments expenditures.

Your committee has gone over each and every voucher representing expenditures of the law enforcement fund, since its creation by the legislature of 1921 and finds no irregularities. With some exceptions, vouchers are usually supported by receipts, as nearly as the nature of this work will permit.

Respectfully,

BOORMAN, Chairman.  
KENYON."

"Helena, Montana, February 12, 1923.

To the House of Representatives:

The undersigned, a minority of the Committee appointed to investigate the truthfulness of certain charges made against the State prohibition forces, and requested to make findings and conclusions in reference thereto, begs leave to report as follows:

That investigation has been made as to the truthfulness of the charges contained in said resolution, which charges are three in number: (1) That the chief officer of the prohibition forces of the State of Montana has been previously convicted in the Federal court of accepting a bribe while acting as a Federal officer in the suppression of illicit liquor traffic; (2) That another State prohibition officer has been previously an inmate of the Montana State prison and that this same officer sustained a confiscation of his automobile in the Federal court of this district for using said automobile in whiskey running; (3) That another State officer has been convicted of a violation of the liquor law.

#### Findings of Fact.

Your committee finds that the men referred to as State officers in said resolution are Eugene Van Wert, chief of the prohibition forces of the State of Montana, W. H. Countryman and George Motuskoff. The first mentioned



has been the head of this department since its inception. The other two mentioned have been from time to time, employed as State officers, and Motuckoff still is a State officer. Countryman was a State officer until on or about January 8, 1923.

(a) Eugene Van Wert.

That by certified copy of the records of the United States district court of Iowa, northern district, eastern division, it was shown that Van Wert plead guilty on or about December 2, 1914, to accepting a bribe to influence his official act while a Federal officer engaged in the suppression of the liquor traffic and that for that offense he was imprisoned and fined; that under Section 117 of the United States Penal Code, which section was the one under which Van Wert plead guilty, it is further provided that any person convicted under said section "shall forfeit his office or place and thereafter be forever disqualified from holding any office of honor, trust or profit under the government of the United States." That the supreme court of the United States, in an opinion by Mr. Justice Hughes, now secretary of state, and with the unanimous acquiescence of the associate justices of this high tribunal, decided in 233 United States Reports that the indictment returned against Van Wert was in every respect legal, correct and proper and stated a crime. That the Honorable George M. Bourquin, United States district judge for the district of Montana, called as a witness before your committee, testified as follows:

"Q. In your opinion, did the indictment in the case of United States against Van Wert state a cause of action?

"A. Oh, undoubtedly; the supreme court so held."

That the same learned gentleman further in his testimony said, in part: "The man (referring to Van Wert) had been at some time accused, and I think the case showed that he should be convicted. \* \* \* ." That the same witness, referring to the credibility of witnesses convicted of crime, said, in part, that a man who accepts bribes would thereby seriously impair his own credibility. That the same witness said, in part, in reference to the credibility of such a witness before a jury: " \* \* \* with the average man sitting in the jury box, and with the instructions of the court in reference to what that means (referring to conviction of a felony) that that can be introduced in evidence against a man in order to affect his credibility, I imagine that it has ordinarily some weight. In a close case especially it would have."

That Van Wert admits that many years after the time of the commission of this offense to which he subsequently plead guilty, that Woodrow Wilson, then President of the United States, denied his application for a pardon and that he has been unable to secure a pardon.

That it was testified to by M. J. Ryan, a former officer under Van Wert and now engaged in the same line of work in the state of Utah, that while Van Wert was working under S. C. Ford, former Attorney General of Montana, and while Van Wert was working for various counties in the State of Montana in the suppression of the liquor traffic, that he, Van Wert, asked from the said Ryan and received from him the sum of One Dollar and Fifty Cents (\$1.50) per day in order that said Ryan might hold his job under Van Wert. That Van Wert admitted on the stand the truth of Ryan's above accusations. Ryan further testified that since Van Wert was employed as the head of the State forces, Ryan was required to pay Van Wert One Dollar a day to hold his position. In that connection a claim for Ninety-seven Dollars and ten cents (\$97.10) over the signature of Van Wert was offered in evidence, which money Van Wert drew and which claim had been raised from Eighty-seven Dollars and ten cents (\$87.10) its correct amount to Ninety-seven Dollars and ten cents (\$97.10). Ryan testified that he only received Fifty Dollars (\$50.00) of this amount, which Van Wert admitted, but making some contention that Ryan owed him money, which contention was denied by Ryan.

That the sum of Twenty-four thousand one hundred twenty-four and 19/100 (\$24,124.19) dollars has been drawn from the law enforcement fund from May, 1921, to and including January, 1923, a period of twenty-one months, of which amount the sum of Sixteen Thousand, Nine Hundred Sixty-seven and 94/100 Dollars (\$16,967.94) was draw over the signature of Van Wert which amount represents his salary amounting to the sum of \$3600.00 per year, the balance represented by alleged purchases of whiskey, transportation, board, and room,



money alleged to have been advanced for the purpose of purchasing evidence, and money alleged to have been advanced to other operatives. That a large portion of this money is not represented or accounted for by any receipt of any kind or character. That while it is not contended that receipts can always be obtained in this line of work, that there are many instances wherein receipts can be obtained without any disclosure of the identity of the officer.

That the system of paying officers from fines is undesirable in that it is an inducement to give exaggerated testimony and an obstacle in enforcement in that juries naturally do feel that the officer has a pecuniary interest in the outcome of the trial in which he is giving testimony. That a considerable portion of this fund is obtained through the activities of sheriffs, constables and other state officers, and not solely by reason of the efforts of the prohibition enforcement department.

(b) W. H. Countryman.

That W. H. Countryman, another State prohibition officer, was heretofore convicted in Carbon county, Montana, of bank robbery and served a term in the State penitentiary at Deer Lodge therefor. That the same officer was convicted on or about April 24, 1922, in Missoula county of the crime of transporting intoxicating liquors. That the automobile of the same officer was during the time this hearing has been in progress, ordered forfeited and confiscated By United States District Judge Bourquin for having been used in the illegal transportation of liquor. That during the progress of this hearing newspaper accounts from Butte disclosed, and the committee agreed to take the same as true, that the same officer testified for defendants in criminal cases involving the violation of the liquor laws, wherein he was supposed to have purchased liquor as a State officer, and that such defendants were acquitted. The same officer is now confined in jail in Butte upon the charge of having accepted money under false pretenses from alleged violators of the liquor laws. That the employment of Countryman at the request of the superintendent of the Anti-Saloon League was a serious mistake, as subsequent events have amply substantiated.

(c) George Motuskoff.

That George Motuskoff, another State officer, was convicted on the 24th day of February, 1921, of a violation of the liquor law in Carbon county, Montana, and was sentenced to serve a period of thirty days in the county jail and pay a fine of One Hundred Dollars (\$100.00). That the same man on March 25, 1922, was convicted in Dawson county of a violation of the liquor laws and sentenced to a period of four months in the county jail and One Hundred Dollars (\$100.00) fine. That the same officer appeared in court in Dawson county on January 6, 1923, as a witness in an intoxicating liquor case in a drunken condition and was held guilty of contempt therefor, and fined the sum of Fifty Dollars (\$50.00).

(d) Effectiveness of the Department.

That your committee requested of the Board of Examiners by written communication that the committee be supplied with certain detailed information, an important item of which was the amount of money received by various officers of the State prohibition forces from the several counties of the State; that such information was not furnished to the committee and that, therefore, the committee is without information as to how much money has been received by such State officers from the several counties. The communication further requested information as to the number of cases in which the State prohibition officers participated and the results of the same. That in accordance with said request the Attorney General submitted to your committee reports of twenty-four (24) county attorneys of the State of Montana covering the activities of this department from its inception to January 1, 1923. That one of the witnesses, the Rev. Joseph Pope, superintendent of the Anti-Saloon League, in his testimony indicated that this department had participated in Eleven Hundred and forty-five cases (1145), but that the records submitted by the Attorney General to this committee show that this department participated exclusively in but Four Hundred cases (400) in which there were One Hundred and Sixty-one (161) convictions. One Hundred and Seventy-six (176) cases acquitted or dismissed, and the remaining cases pending or undisposed of; in other words, that of the cases in which this department did so participate, forty per cent (40%) were

successful and forty-four per cent (44%) unsuccessful. That a number of county attorneys throughout the State testified in behalf of the department in general terms, but that the records of such county attorneys did not always bear out their words of commendation as to results. A typical case was that of the county attorney of Cascade county, who testified that he considered Van Wert the best officer with whom he had come in contact. Yet the record submitted by this county attorney, to the Attorney General, and by the Attorney General to this committee, showed that of the One Hundred and Seventy-three (173) that of the Seventy-three (73) forty-three of said cases, or more than fifty per cent (50%) were found either not guilty or dismissed. That in said county, according to the record submitted by the county attorney, Van Wert's name appeared in sixty (60) cases, and of the sixty cases, thirty-six (36) or more than one-half were dismissed or acquitted. That it was further shown by the records of the various county attorneys so submitted to this committee that of the One Hundred and Sixty-six (166) cases in the various counties of the State wherein Van Wert's name appeared as a witness, fifty-three and one-half per cent (53½%) of said cases were found not guilty or dismissed. That the same records disclose that in Lewis and Clark county of the eighty-five (85) cases filed the State department appeared in twenty-four (24), of which eighteen (18) were found not guilty or dismissed; that in the same county wherein the sheriff and other officers appeared and not the State forces, that sixty-one (61) cases were filed without an acquittal. That in Carbon county forty-three (43) cases were filed, and of the twenty-one (21) filed through the State department one was found not guilty and twenty (20) were dismissed. That in the same county Federal officers secured thirteen (13) convictions and no acquittals.

That the information furnished the committee disclosed that Federal officers, sheriffs and other officers were far more successful in their prosecutions than the State forces. And taking into consideration that the State forces have spent more than Twenty-four Thousand Dollars, practically depleting its fund, its record for ineffectiveness is astounding. It is the opinion of the undersigned that the large number of acquittals and dismissals obtained from this department and its general ineffectiveness is, in a large sense, due to its employment of criminals, ex-convicts and bootleggers as special officers; and that to constitute as officers and clothe with the authority thereof men of the type hereinbefore mentioned is contrary to the spirit of our laws and its just administration, and a positive obstruction to any successful law enforcement. That there are many men in the State who are entitled to preferential employment, whose services would prove of great value in this department.

#### Conclusions and Recommendations

Therefore the undersigned recommends that the State Prohibition Enforcement Act, to-wit, Section 11085 of the Penal Code of 1921, be amended to provide that no one shall be employed as a special officer of the State prohibition forces if he shall have been theretofore convicted of a felony or a violation of the liquor laws, unless he shall have thereafter been pardoned.

(2) That the Board of Examiners, in the appointment of special officers of this department, give effectiveness to the statute enacted by the last legislative assembly by giving employment, consonant with the provisions of that statute, to soldiers and sailors of the late World war who under said statute are entitled to preferential employment.

LOBLE, Chairman."

Moved by Boorman, and duly seconded, that the majority report be adopted.

Moved by Loble, and duly seconded, that the minority report be adopted.

Moved by Goodman, as a substitute motion, duly seconded, that further consideration of both these reports be postponed until Tuesday, February 27th.

Moved by Boorman, duly seconded, that further consideration of these reports be deferred until 11:45 p. m. of the 60th day. Motion failed.

Question arising on Goodman motion to postpone until Tuesday, same carried.



## REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received:

"Mr. Speaker:

We, your Committee on Education, having had under consideration S. B. No. 201, introduced by Committee on Education, a Bill for an Act entitled: "An Act to amend Sections 1042, 1043, 1044, 1045, 1047, and 1048 of the Revised Codes of Montana 1921, relating to the creation of a rural school district," respectfully report as follows:

That Senate Bill No. 201 be amended as follows:

Amend Section 3, lines 10 and 11 by striking out "regular annual meeting of the board of trustees of the rural school district held on the first Thursday in July" and inserting in lieu thereof "not later than the last day of May."

Amend Section 3, lines 26 and 27 by striking out "at its regular annual meeting on the first Thursday in July" and inserting in lieu thereof "on the first Monday in June."

Amend Section 3, line 32 by inserting in line 32 after the word "sections," all interest, on all outstanding bonds issued by such rural district or the payment of which has been assumed by such district, and so much of the principal of any such bonds as is to become due during the ensuing school year."

Amend Section 3, line 50 by striking out "first Monday in August" and inserting in lieu thereof "second Monday in June."

Amend Section 3, Sub-section 7, line 64 of the printed bill by striking out the words "county board of trustees" and inserting in lieu thereof "board of trustees of the rural school district"; line 65 by striking out the words "county board of trustees" and inserting in lieu thereof "board of trustees of the rural school district"; and also in line 68 of printed bill by striking out words "county board of trustees and inserting in lieu thereof "board of trustees of the rural school district."

Amend Section 3, line 92 by inserting after the figures 1921 "and all of the provisions of Sections 1227 to 1233, inclusive of the Revised Codes of Montana, 1921, shall be applicable thereto and shall govern the same"

Amend Section 4, line 17, by adding after the word "indebtedness" and all the provisions of Section 1224 to 1233 inclusive of the Revised Codes of Montana, 1921, shall apply thereto and govern the same; provided, however, that such board of trustees shall have power and authority to issue and dispose of such bonds for such purpose without being required to submit the question of so doing to any election."

Amend Section 6, line 5 and 6 of the printed bill by striking out the words "three hundred" and inserting in lieu thereof the words "twenty per cent of."

As so amended recommend that the bill be concurred in.

GULLIDGE, Chairman."

On motion of Gullidge, report adopted.

Mr. Speaker:

We, your Committee on Education, having had under consideration, Senate Bill No. 149, introduced by Mains, A Bill for an Act entitled: "An Emergency Act authorizing the board of school trustees of any school district to fund outstanding indebtedness by the issuance of ten year amortization bonds," respectfully report as follows:

That S. B. No. 149 be concurred in.

GULLIDGE, Chairman."

On motion of Gullidge, report adopted.

"Mr. Speaker:

We, your Committee on Education, having had under consideration, S. B. No. 213, introduced by Speer, A Bill for an Act entitled: "An Act to amend Sections 1044, 1045, and 1046 of the Revised Codes of Montana, 1921, relating to rural school districts," respectfully report as follows:

That S. B. No. 213 be not concurred in.

GULLIDGE, Chairman."

On motion of Gullidge, report adopted.



Mr. Speaker:

We, your Committee on Revenue and Taxation to whom was referred S. B. No. 129, a bill for an Act entitled: "An Act to amend Sections 2299, 2300, 2302 and 2303 of the Revised Codes of Montana of 1921, relating to the method of collecting corporation license tax."

Having had the same under consideration, respectfully report and recommend that said bill be amended as follows:

1. Amend the title by inserting in the first line thereof after the word "sections" the figures "2296" and by inserting in the third line thereof after the words "to the" the words "imposition and."

2. Amend by inserting immediately after the enacting clause a new section to read as follows:

"Section 1. That section 2296 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

"2296. Every corporation, except as hereinafter provided, engaged in business in the State of Montana, shall annually pay to the state treasurer, for the privilege of engaging in and carrying on business in this state in a corporate or organized capacity, a license fee of one per centum of the total net income received by such corporation during the preceding fiscal year from all sources within the State of Montana, including interest on bonds, notes or other interest bearing obligations of residents corporate or otherwise, and the income received by way of dividends on capital stock or from net earnings of corporations required to pay a license fee under this Act, whether such dividends or net earnings be distributed in cash, property or capital stock; provided, however, that in the case of a railroad, telegraph, telephone, express or other common carrier corporation, engaged in both intrastate and interstate commerce, the license fee shall be based upon the net earnings derived from the intrastate business in the State Montana only; and provided further, that in determining income rentals, royalties, gains or profits from the operation of farms, mines, oil and gas wells situated within the State of Montana shall be deemed to be income from sources within this state, while income from land contracts, mortgages, stocks, bonds, securities, deposits and credits received by a domestic corporation shall be deemed to be income received from sources within the state but when received by a foreign corporation shall be deemed to be income received from sources without this state.

The term "corporation," as used in this Act, means and includes joint stock companies, common-law companies, business trusts and insurance companies; the term "domestic" means organized and created within this state, and the term "foreign" means organized and created outside of this state.

The following corporations shall be exempt from the payment of license fees under this Act:

1. Labor, agricultural and horticultural organizations;
2. Mutual savings, banks not having a capital stock represented by shares;
3. Fraternal beneficiary societies, orders and associations, (a) operating under the lodge system; and (b) providing for the payment of life, sick, accident or other benefits to the members of such society, order, or association, or their dependents;
4. Domestic building and loan associations and co-operative banks without capital stock organized and operated for mutual purposes without profit, substantially all of the business of which is confined to making loans to members;
5. Cemetery companies owned and operated exclusively for the benefit of their members, or which are not operated for profits;
6. Corporations organized under the laws of this state and operated exclusively religious, charitable, scientific or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual.
7. Business leagues, chambers of commerce or boards of trade, not organized for profit and no part of the net earnings of which inures to the benefit of any private stockholder or individual;
8. Civic leagues or organizations not organized for profit but operated exclusively for the promoting of social welfare;

9. Clubs organized and operated exclusively for pleasure, recreation and other non-profitable purposes, no part of the net earnings of which inures to the benefit of any private stockholder or individual;

10. Farmers' or other mutual hail, cyclone or fire insurance companies, mutual ditch or irrigation companies, mutual or co-operative telephone companies, or like organizations of a purely local character, the income of which consists solely of assessments, dues and fees collected from members for the sole purpose of meeting expenses;

11. Farmers' Fruit Growers' or like associations organized and operated as sales agents for the purpose of marketing the products of the members and turning back to them the proceeds of sales, less the necessary selling expenses, on the basis of quantity of produce furnished by them;

12. Corporations organized for the exclusive purpose of holding title to property, collecting income therefrom, and turning over the entire amount thereof, less expenses, to an organization which itself is exempt from the tax imposed by this Act;

13. Federal Land Banks\* and National Farm Loan Associations as provided in Section 26 of the Act of Congress approved July 17, 1916, entitled: "An Act to provide capital for agricultural development, to create standard forms of investment based upon farm mortgages; to equalize rates of interest upon farm loans, to furnish a market for United States Bonds, and for other purposes."

14. National Banking Associations.

15. In determining the license fee to be paid under this Act, there shall not be included any earnings derived from any public utility managed or operated by any subdivision of the state, or from the exercise of any governmental function."

3. Amend Section 4 by adding at the end of Section 2303 as amended by the bill, the following:

"When the state board of equalization has reason to believe that the business of any corporation is so conducted as either directly or indirectly to distort the true net income of the corporation and the net income properly attributable to the state, whether by the arbitrary shifting of income, through price fixing, charges for service, or otherwise, whereby the net income is arbitrarily assigned to one or another corporation carrying on business under a substantially common control, it may require the disclosure of such facts as it deems necessary for the proper computation of the entire net income and the net income properly attributable to this state, and in determining the same, the board shall have regard to the fair profits which would normally arise from the conduct of the business."

4. Amend Section 5 by adding thereto the following:

"provided, however, that the amendment of the sections as amended by this Act shall not be construed to relieve or release any corporation from the payment of any license fee which such corporation should have paid under the provisions of such sections before the amendment thereof by this Act, or of any penalty or interest which has heretofore or may hereafter attach to or become due thereon, but all such license fees, penalties and interest shall be fixed and determined under the provisions of such sections as amended and shall be paid and collected as though such sections had not been amended by this Act."

5. Amend by renumbering sections 1, 2, 3, 4, 5 and 6 so that they will appear as sections 2, 3, 4, 5, 6 and 7 respectively.

And that as so amended the bill be concurred in.

SWIFT, Chairman."

Moved by Swift, duly seconded and carried that the report be adopted and that the amendments by the Committee be printed and placed upon the desks of the members.

"Mr. Speaker:

We, your Committee on Fish and Game, having had under consideration, H. B. No. 175, introduced by McAfee, A Bill for an Act entitled: "An Act to amend Section 3697 of the Revised Codes of Montana of 1921, relating to the



open season for deer and the number of deer allowed to be killed by each person," respectfully report as follows:

That H. B. No. 175 recommend that the same do not pass.

CADY, Chairman."

On motion of Cady, report adopted.

"Mr. Speaker:

We, your Committee on Fish and Game having had under consideration, S. B. No. 41, introduced by Kirton, A Bill for an Act entitled: "An Act to amend Sections 3652, 3653, 3672, 3681, 3685, 3694, 3696, 3697, 3699, 3700, 3701, 3702, 3703, 3704, 3707, 3714, 3722, 3723, 3730, 3731, 3732, 3733, 3742, 3751, and 3753, and repealing Sections 3686, 3698, 3724, and 3752 of the Revised Codes of Montana, relating to State Fish and Game Commission, fish and game, licenses, protection and propagation of fish and game," respectfully report as follows:

That S. B. No. 41 be concurred in as amended.

Amendments adopted by the Committee.

First—That Section 1, 3652 be amended by striking out the entire section.

Second—That Section 2, 3653, be amended by striking out the entire section.

Third—That Section 3, 3672, be amended by striking out the entire section.

Fourth—That Section 4, 3681, be amended by inserting the word "lawfully" before the words "taken" in lines 9 and 11.

Fifth—That Section 5, 3685, be amended by inserting the phrase "and the regulations of the Fish and Game Commission" after the word "State."

Sixth—That Section 6, 3694, be amended by striking out the word "Gross" and inserting the word "net," in lines 20, 25, and 28.

Seventh—Section 6, 3694, be amended by inserting after the word "year" in line 42 the phrase "provided, however, the Fish and Game Commission shall have the power to change the closed season on game fish so as to meet local conditions."

Eighth—That Section 7, 3696, be amended by inserting after the word "County" in line 36 the phrase "except that portion of Gallatin County north of the south line of Township 4, North and also except that portion beginning at a point on the west side of Yellowstone Park, where the west Gallatin River intercepts the Park boundary; thence in a northwesterly direction following the east bank of the west Gallatin River to the mouth of Sage Creek; thence along the east bank of Sage Creek in a southerly direction to Sage Peak; thence along the divide between Sage Creek, Cabin Creek, Bacon Rind and Tee Pee Creeks to the Yellowstone Park Boundaries; thence in a northerly direction along the Yellowstone Park boundary to the place of beginning."

Ninth—That Section 7, 3696, be amended by inserting after the word "preserve" in line 27 the phrase "in which the open season shall commence November 5 and terminate November 15, both dates inclusive."

Tenth—That Section 7, 3696, be amended by striking out the word "misdemeanor" in line 13 and inserting the word "felony."

Eleventh—That Section 8, 3697, be amended by adding to end of line 6 of the engrossed Senate Bill the following: "provided, however, that it shall be lawful for any person holding license to kill one male deer with horns not less than four inches in length above the top of the skull in all of Gallatin County except that portion of said county north of the south line of Township 4, North, and also except that portion beginning at a point on the west side of the Yellowstone Park where the West Gallatin River intercepts the Park boundary; thence in a northwesterly direction following the East bank of the west Gallatin River to the mouth of Sage Creek; thence along the East bank of Sage Creek in a southerly direction to Sage Peak; thence along the divide between Sage Creek, Cabin Creek, Bacon Rind and Tee Pee Creeks to the Yellowstone Park Boundary; thence in a northerly direction along the Yellowstone Park Boundary to the place of beginning."

Twelfth—That Section 15, 3714, be amended by striking out the words "it shall be" at the end of line 11 and all of lines 12, 13, 14 and 15.

Thirteenth—That Section 16, 3714, be amended by striking out the words "and in the Pend d'Oreille River and Clarke Fork of the Columbia," in lines 18 and 19.



Fourteenth—That Section 17, 3722, be amended by striking out the words "shall have the right" in line 14 and inserting the word "must."

Fifteenth—That Section 25, 3753, be amended by striking out the word "paid" at the end of line 20 and inserting the words "served out at the rate of \$2.00 per day."

Sixteenth—That Section 24, 3751, be amended by striking out the figures "\$25" in line 9 and inserting the figures "\$15."

Seventeenth—That Section 26, be amended by striking out the Section No. 3698 in line 1.

Eighteenth—That Senate Bill No. 41 be amended by adding the following section to be designated as Section 17½ and to read as follows:

Section 17½—That Section 3745 of the Revised Codes of Montana of 1921, be and the same is hereby amended to read as follows:

"3745. GUIDES MUST HAVE LICENSES. No person shall engage in the business of guiding, as the term is commonly understood, without first having procured from the State Fish and Game Warden a guide's license. Any competent person, who is a bona fide citizen of the State of Montana, shall upon the presentation of an affidavit, stating that the applicant is of good moral character and responsible, and signed by three taxpayers of the county in which the applicant lives; and by the applicant making the payment of Ten Dollars (\$10.00) to the State Game Warden, receive from said State Game Warden a guide's licenses, which shall be good for one year only; provided that upon the payment of Ten Dollars (\$10.00) annually said license may be renewed. Such license shall state the name, age, and place of residence of the holder, and shall further recite that the holder of such license is a person of good moral character."

Nineteenth—That title be amended by striking out the figures "3652, 3653, 3672 and 3698."

Twentieth—That Section 6, 3694, be amended by inserting after the word "any" in line 6 "with a gun only, not larger than a number 10 gauge fired from the shoulder."

Twenty-first—That Section 11, 3701, be stricken out and the following section substituted. The new section to read as follows:

"3701. OPEN AND CLOSED SEASONS FOR GROUSE. The open season for sharp tailed grouse, blue grouse, ruffed grouse, commonly called pheasant or partridge, prairie chicken, sage hen, sage grouse, or fool hen, shall begin on the fifteenth (15th) day of September of each year and end on the twenty-fourth (24th) day of September of the same year, both dates inclusive. The closed season for the game birds named herein shall begin on the twenty-fifth (25th) day of September of each year and end on the fourteenth (14th) day of September of the following year, both dates inclusive. During the open season for the game birds named herein it shall be unlawful for any person in any portion of the state of Montana to shoot kill or capture or cause to be shot killed or captured more than five (5) sharp tailed grouse, blue grouse, ruffed grouse, commonly called pheasant or partridge, prairie chicken, sage hen, sage grouse, or fool hen in the aggregate of all kinds in any one day; it shall be unlawful for any person to have in his possession more than five (5) of any such birds in the aggregate of all kinds at any one time. During the closed season for the game birds named herein it shall be unlawful to shoot kill or capture or cause to be shot, killed or captured any of the game named herein. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof, shall be punished accordingly.

Twenty-second—That Section 13, 3703, be amended by adding the following after the period at the end of said section line 21, "waterfowl when taken in accordance with the provisions of the law may be possessed by the person so taken during the open season where killed and for an additional period of ten days next succeeding open season."

CADY, Chairman."

On motion of Cady, report adopted.

"Mr. Speaker:

We, your Committee on Banks and Banking, having had under consideration, S. B. No. 180, introduced by Committee on Banks and Banking, A Bill for an Act entitled: "An Act amending Section 182 of the Revised Codes of Montana of 1921 relating to the depositing of funds in the hands of the State Treasurer; and providing for the security to be delivered by the banks designated as depositories by the State Depository Board," respectfully report as follows:

That S. B. No. 180, be reported back with the recommendation that the same be amended as follows:

Amend Section 1, by inserting in line 16 after the word "warrants" the words "of the State of Montana or," and by striking out in line 17 the words "school districts and municipalities" and when so amended the bill be concurred in.

JOHNSON, Chairman."

On motion of Johnson, report adopted.

"Mr. Speaker:

We, your Committee on New Counties and Divisions, having had under consideration, S. B. No. 152, introduced by Leuthold, A Bill for an Act entitled: "An Act re-establishing and defining that part of the boundary line between Stillwater County and Carbon County, State of Montana, running from the southeast corner of section sixteen, township five south, range eighteen east, to the southeast corner of the southwest quarter of the southwest quarter of section twenty-one, township four south, range twenty east, M. P. M.," respectfully report as follows:

That S. B. No. 152 be not concurred in.

CARLSON of McCone, Chairman."

On motion of Carlson of McCone, report adopted.

"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration, H. B. No. 260, introduced by the Appropriations Committee, "An Act to empower and direct the State Board of Prison Commissioners of the State of Montana to acquire by purchase the Valiton ranch and the Kohrs and Bielenberg ranch to be used in connection with the operation of the Montana State Prison, and providing an appropriation therefor," respectfully report as follows:

That H. B. No. 260 do not pass, but we herewith submit a substitute herewith with the recommendation that same do pass.

BUELL, Chairman."

On motion of Hawley, report adopted.

Substitute for H. B. No. 260 by the Committee on Appropriations was read first and second times and referred to the Committee on Printing.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration, H. B. No. 112 by McLeod, entitled: "An Act to amend Section 4465 of the Revised Codes of Montana of 1921, relating to the jurisdiction and powers of Boards of County Commissioners, by amending Sub-division thereof," respectfully report as follows:

That Senate amendments in said Bill be concurred in.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration, S. B. No. 49, by RFhoads, entitled: "An Act to amend Section 2726 of the Revised Codes of the State of Montana of 1921, relating to inspection of boilers," respectfully report as follows:

That Senate Bill No. 49 be amended by striking out in lines 11, 12, 13 and 14 of Section 1, the words, "Boilers used for heating purposes with a steam pressure not to exceed fifteen pounds, all boilers insured by insurance companies in private residences, and low pressure cast iron, sectional boilers used for heating purposes," and insert in lieu thereof, the following: "Boilers used for heating purposes in private residences, low pressure cast iron sectional boilers carrying not to exceed fifteen pounds steam pressure."

And when so amended, the bill be concurred in.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration, S. B. No. 79, by Porter, entitled: "An Emergency Act authorizing the Board of school trustees of any school district, having all or any part of its funds deposited in any bank, which has become insolvent, to issue warrants for the necessary current expenses of the school to the amount of not to exceed one hundred percentum of such funds so deposited; to fund such warrants by the issuance of bonds under certain conditions described herein; providing for the payment of the principal and interest of such bonds and for the levying of a tax therefore; and declaring this Act to be an emergency measure," respectfully report as follows:

That S. B. No. 79 be amended by amending Section 1, by adding at the end thereof the following paragraph:

"The provisions of this Act shall apply to Rural School Districts organized under Chapter 80 of Part 3, of the Political Code, 1921, whether the funds shall have been distributed to the sub-district or not; and the Board of Trustees of such Rural School District shall have the power to negotiate bonds, as herein provided for Trustees of School Districts, for the purpose of funding outstanding warrants of sub-districts thereof, and to pledge the credit and resources of the Rural School District for the payment of the principal and interest of such bonds."

And Section 2, by striking out in lines 10, 11, and 12, the following: "and 4. When to levy a tax therefor would exceed the limit of taxation allowed by law." And by inserting a period in line 10, after the word "warrants."

Also amend Section 2, by striking out sub-section 1, in lines 3, 4 and 5, and inserting in lieu thereof the following: "When the Board of Trustees shall have listed certain unpaid warrants, and certified that they were regularly issued subsequent to July 1st, 1922, for purposes set forth in Section 1, of this Act and there is not sufficient money, other than that deposited in insolvent banks, to the credit of such school district available for the payment of such outstanding warrants."

Amend Section 3, by inserting in line 19, after the word "indebtedness," the following: "and that the conditions exist as specified in section 2, of this Act," Further amend Section 3, by striking out in line 21, the word "innocent."

Amend Section 4 by striking out in lines 25, 26, 27, and 28, the following: "the time of payment not exceeding twenty years after date; if redeemable before maturity, the date thereof; and shall prescribe the denomination and form thereof;" and insert in lieu thereof the following: "the denomination, form and terms thereof, which must be serial bonds for a term not to exceed ten years";

Amend Section 4, by striking out in line 32, the word "receipted," and inserting in lieu thereof the word "recited."

Amend Section 5, by striking out in lines 15 and 16, the following: "Section 1228 of the Revised Codes of Montana of 1921," and insert in lieu thereof the following: "the laws," and that when so amended the bill be concurred in.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration, S. B. No. 85, by Porter, entitled. "An Emergency Act authorizing the Board of Trustees of any county high school having all or any part of its funds deposited in any bank, which has become insolvent, to issue wararnts for the necessary current expenses for the said county high school to the amount of not to exceed 100 percentum of such funds so deposited; authorizing the Board of County Commissioners to refund such warrants by the issuance of bonds under certain conditions described therein; providing for the payment of the principal and interest of such bonds and for the levying of the tax therefor; and declaring this Act to be an emergency measure," respectfully report as follows:



That S. B. No. 85 be amended by striking out in Section 2, Sub-Section 1, in lines 5, 6 and 7, and inserting in lieu thereof the following: "When the Board of Trustees shall have listed certain unpaid warrants, and certified that they were regularly issued subsequent to July 1st, 1922, for purposes set forth in Section 1, of this Act, and there is not sufficient money, other than that deposited in insolvent banks, to the credit of such school district available for the payment of such outstanding warrants," and amend Section 3, by inserting in line 21, after the word "indebtedness," the words, "and that the conditions exist as specified in Section 2, of this Act," amend Section 3, by striking out in line 23, the word "innocent," amend Section 4, by striking out in lines 27, 28, 29, and 30, the following: "the time of payment not exceeding twenty years after date; if redeemable before maturity, the date thereof; and shall prescribe the denomination and form thereof, "and insert in lieu thereof the following, "the denomination, form and terms thereof, which must be serial bonds for a term not to exceed ten years," amend Section 4, by striking out in line 4, the word "receipted," and inserting in lieu thereof the word, "recited," and that when so amended the bill be concurred in.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration, S. B. No. 116, A Bill for an Act entitled: "An Act to amend Section 4194 of the Revised Codes of Montana of 1921, relating to the State Sealer of Weights and Measures, and providing that the State Sealer of Weights and Measures be Ex-officio State Oil Inspector of the State of Montana, and for the enforcement of the Act, inspection of oil, and prescribing the power and duties of such State Oil Inspector, and abolishing the office of Deputy Oil Inspector, and providing that said State Oil Inspector shall receive no compensation other than as fixed in this Act," respectfully report as follows:

That S. B. No. 116 be not concurred in.

ARNOLD, Chairman."

On motion of Arnold, report adopted.

"Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration, S. B. No. 118, A Bill for an Act entitled: "An Act to repeal Section 4208 of the Revised Codes of Montana of 1921, relating to the State Gasoline Inspection Fund," respectfully report as follows:

That S. B. No. 118 be not concurred in.

ARNOLD, Chairman."

On motion of Arnold, report adopted.

"Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration, S. B. No. 135, A Bill for an Act entitled: "An Act to provide for the transfer of all moneys in the State Gasoline Inspection Fund to the General Fund of the State of Montana," respectfully report as follows:

That S. B. No. 135 be not concurred in.

ARNOLD, Chairman."

Moved by Arnold, duly seconded that report be adopted.

Moved by Maury, as a substitute, duly seconded that Senate Bill No. 135 be placed on General Orders.

Moved by Facey, duly seconded and carried that the motion be tabled.

"Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration, Substitute for S. B. No. 82, A Bill for an Act entitled: "An Act to amend Sections 1211 and 1212 Revised Codes of Montana 1921 providing for the apportionment and distribution of oil and gas royalties received from the United States," respectfully report as follows:

That Substitute for S. B. No. 82 be concurred in.

ARNOLD, Chairman."

On motion of Arnold, report adopted.

"Mr. Speaker:

We, your Committee on Agriculture, having had under consideration, S. B. No. 104, introduced by Peterson, A Bill for an Act entitled: "An Act to amend Section 6445 of the Revised Codes of Montana of 1921, relating to reports of co-operative associations, and providing for an examination of the accounts of such associations," respectfully report as follows:

That S. B. No. 104 be reported back with the recommendation that same be concurred in.

McCORMACK, Chairman."

On motion of McCormack, report adopted.

The Committee on Engrossment reported as follows:

"Mr. Speaker:

We, your Committee on Engrossment, to whom was referred H. B. Nos. 277, 323, 373, 385, 386, 387 and 388, beg leave to report same back correctly engrossed.

LARSON of Richland, Chairman."

### INTRODUCTION OF BILLS AND MEMORIALS

The following bill was read first and second times and referred to committee as follows:

H. B. No. 390, by Appropriations Committee: "A Bill for an Act entitled: 'An Act appropriating money for the payment of deficiency claims arising out of the operation of various state departments for the year ending February 28th, 1923.'" (Committee on Appropriations).

### MOTIONS AND RESOLUTIONS

Moved by Kelly of Pondera, duly seconded and carried that the action of the House in adopting committee report on Senate Bill No. 64 be reconsidered.

Moved by Kelly of Pondera, duly seconded and carried that the House request the Senate to return Senate Bill No. 64 to the House, and that it then be placed on General Orders.

Moved by Goodman, duly seconded and carried that Senate Bill No. 184 be taken from the head of the list on General Orders and placed at the bottom.

Moved by Lease, duly seconded and carried that the action of the House on Senate Bill No. 123 be reconsidered.

Moved by Lease, duly seconded and carried that the Senate be requested to return Senate Bill No. 123 to the House and that it then be placed on General Orders.

Moved by Troy, duly seconded that House reconsider its action on Senate Bill No. 146.

Moved by Goodman, duly seconded that the motion to reconsider be laid upon the table. Motion to table failed.

Question arising on motion to reconsider, same carried.

Moved by Troy, duly seconded and carried that the Senate be requested to return Senate Bill No. 146 to the House and that it then be placed on General Orders.

The following resolution was read:

"Resolved, That the State Board of Examiners be requested to investigate and consider the practicability of using an electrical voting system in the Legislature to conserve the large amount of valuable time now lost in voting and calling the roll, and for the production of more accurate and reliable records of the votes and roll calls, and to report back their recommendations to the Nineteenth Legislative Assembly of the State of Montana.

LOBLE,  
BOORMAN.

On motion of Loble, resolution adopted.

## THIRD READING OF SENATE BILLS

Moved by Smith, duly seconded and carried that Senate Bill No. 16 be laid upon the table.

S. B. No. 66, by Harmon, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrew, Armstrong, Arnold, Baker, Benedict, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Burke, Buttleman, Carlson (Gallatin), Clarke, Cronk, Davis (Fergus), Dean, Dell, Denny, Duffy, Elliott, Flynn, Goodman, Gullidge, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kennedy, Kenyon, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, Oker, Ostby, Peden, Perrine, Pilgeram, Rasmussen, Ridle, Roscow, Seidensticker, Smethurst, Smith, Stoddard, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—68.

Noes: McAfee, McCormack. Total—2.

Absent and not voting: Andrus, Bergstrom, Bernard, Berryman, Buell, Cady, Caplis, Carlson (McCone), Cavanaugh, Cowley, Davis (Wibaux), English, Facey, Fulsher, Gillette, Gillin, Hamilton, Hanson, Kelly (Pondera), Kelly (Silver Bow), Kinville, McCarty, O'Connell, Pope, Rodgers, Ruffcorn, Sandy, Scharnikow, Spencer, Stoner. Total—30.

S. B. No. 101, by Speer, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrew, Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Bohling, Bosley, Brandjord, Bray, Bricker, Buchanan, Burke, Buttleman, Cady, Carlson (Gallatin), Carlson (McCone), Clarke, Cronk, Davis (Fergus), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Goodman, Gullidge, Harris, Hawley, Hoffman, Johnson, Kennedy, Kenyon, Larson (Richland), Lease, Leavens, Lemmon, Loble, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, Oker, Ostby, Perrine, Rasmussen, Ridle, Rodgers, Roscow, Seidensticker, Smith, Stoddard, Strange, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—69.

Noes: Holton, Larsen (Sheridan), McAfee, Pilgeram, Smethurst. Total—5.

Absent and not voting: Andrus, Bernard, Boorman, Buell, Caplis, Cavanaugh, Cowley, Davis (Wibaux), Fulsher, Gillette, Gillin, Hamilton, Hanson, Joffray, Kelly (Pondera), Kelly (Silver Bow), Kinville, O'Connell, Peden, Pope, Ruffcorn, Sandy, Scharnikow, Spencer, Stoner, Swift. Total—26.

Moved by Goodman, duly seconded and carried that the House recess until 1:30 P. M.

## AFTERNOON SESSION

House resumed at 1:30 P. M.

Mr. Speaker in the chair.

## THIRD READING OF SENATE BILLS

S. B. No. 210, by Church, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrew, Arnold, Benedict, Bergstrom, Bohling, Bosley, Bray, Buchanan, Buell, Caplis, Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Elliott, English, Facey, Goodman, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Lease, Leavens, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Rasmussen, Ruffcorn, Seidensticker, Smethurst, Smith, Spencer, Swift, Tierney, Troy, Zuck, Mr. Speaker. Total—56.

Noes: Burke, Stoddard. Total—2.

Absent and not voting: Andrus, Armstrong, Baker, Bernard, Berryman, Boorman, Brandjord, Bricker, Buttleman, Cady, Carlson (Gallatin), Cowley, Davis (Wibaux), Dean, Dell, Denny, Duffy, Flynn, Fulsher, Gillette, Gillin, Gullidge, Hamilton, Kelly (Silver Bow), Kinville, Larson (Richland), Larsen (Sheridan), Lemmon, Perrine, Pilgeram, Pope, Ridle, Rodgers, Roscow, Sandy, Scharnikow, Stoner, Strange, Taylor, Tawney, Terrett, Wold. Total—42.



S. B. No. 182, by Committee on Townships and Counties, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrew, Arnold, Bergstrom, Berryman, Bohling, Bosley, Brandjord, Bray, Bricker, Buchanan, Buell, Burke, Cady, Caplis, Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Dean, Dell, Duffy, English, Facey, Goodman, Gullidge, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Rasmussen, Rodgers, Ruffcorn, Seidensticker, Smethurst, Smith, Swift, Taylor, Terrett, Tierney, Troy, Zuck, Mr. Speaker. Total—67.

Noes: None.

Absent and not voting: Andrus, Armstrong, Baker, Benedict, Bernard, Boorman, Buttleman, Carlson (Gallatin), Cowley, Davis (Wibaux), Denny, Flynn, Fulsher, Gillette, Gillin, Hamilton, Hanson, Kelly (Silver Bow), Kinville, Lemmon, Perrine, Pilgeram, Pope, Ridle, Roscow, Sandy, Scharnikow, Spencer, Stoddard, Stoner, Strange, Tawney, Wold. Total—33.

S. B. No. 62, by Haley, having been read three several times and title and history agreed to, failed of concurrence by the following vote:

Ayes: Andrew, Arnold, Bergstrom, Berryman, Bohling, Brandjord, Bray, Bricker, Buchanan, Buell, Burke, Buttleman, Cady, Cavanaugh, Clarke, Dell, Denny, Elliott, English, Gullidge, Hanson, Hoffman, Joffray, Johnson, Kelly (Pondera), Lease, Leavens, Maury, Murphy, Mushbach, Myrick, Rasmussen, Rodgers, Ruffcorn, Seidensticker, Taylor, Troy. Total—37.

Noes: Armstrong, Baker, Benedict, Bosley, Caplis, Carlson (McCone), Cronk, Davis (Fergus), Dean, Duffy, Facey, Flynn, Goodman, Harris, Hawley, Kennedy, Kenyon, Larson (Richland), Larsen (Sheridan), Loble, McAfee, McCarty, McCormack, McLeod, Nelson, O'Connell, Oker, Ostby, Peden, Pilgeram, Smethurst, Smith, Strange, Tawney, Terrett, Tierney, Zuck, Mr. Speaker. Total—38.

Absent and not voting: Andrus, Bernard, Boorman, Carlson (Gallatin), Cowley, Davis (Wibaux), Fulsher, Gillette, Gillin, Hamilton, Holton, Kelly (Silver Bow), Kinville, Lemmon, Perrine, Pope, Ridle, Roscow, Sandy, Scharnikow, Spencer, Stoddard, Stoner, Swift, Wold. Total—25.

S. B. No. 112, by Greening, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrew, Armstrong, Arnold, Benedict, Bergstrom, Berryman, Bohling, Boorman, Brandjord, Bray, Bricker, Buchanan, Burke, Buttleman, Cady, Caplis, Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Goodman, Gullidge, Hamilton, ton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Loble, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, O'Connell, Oker, Ostby, Peden, Pilgeram, Rasmussen, Ridle, Roscow, Ruffcorn, Seidensticker, Smethurst, Smith, Strange, Taylor, Tawney, Terrett, Tierney, Troy, Zuck, Mr. Speaker. Total—74.

Noes: Baker, Bosley. Total—2.

Absent and not voting: Bernard, Andrus, Buell, Carlson (Gallatin), Cowley, Davis (Wibaux), Fulsher, Gillette, Gillin, Kelly (Silver Bow), Kinville, Lemmon, McAfee, Nelson, Perrine, Pope, Rodgers, Sandy, Scharnikow, Spencer, Stoddard, Stoner, Swift, Wold. Total—24.

S. J. R. No. 3, having been read three several times was adopted by the House without dissenting vote:

Upon request of Brandjord, and with unanimous consent, S. J. M. No. 6 was taken from General Orders and placed on third reading for immediate consideration.

S. J. M. No. 6, having been read three several times was concurred in without dissenting vote.

## THIRD READING OF HOUSE BILLS

Senate Amendments to House Bill No. 147 were concurred in by the following vote:

Ayes: Andrew, Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Buttleman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cowley, Davis (Fergus), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Goodman, Gullidge, Hanson, Harris, Hoffman, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, Oker, Ostby, Peden, Perrine, Pilgeram, Rasmussen, Ridle, Roscow, Ruffcorn, Seidensticker, Smethurst, Smith, Spencer, Strange, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—77.

Noes: O'Connell. Total—1.

Absent and not voting: Andrus, Bernard, Buell, Burke, Cronk, Davis (Wibaux), Fulsher, Gillette, Gillin, Hamilton, Hawley, Holton, Kelly (Silver Bow), Kinville, Lemmon, Pope, Rodgers, Sandy, Scharnikow, Stoddard, Stoner, Swift, Total—22.

H. B. No. 384, by Committee on Appropriations, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Arnold, Baker, Benedict, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Buell, Buttleman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Clarke, Cowley, Cronk, Davis (Fergus), Dean, Dell, Denny, Elliott, English, Facey, Flynn, Goodman, Gullidge, Harris, Hawley, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, Oker, Ostby, Peden, Pilgeram, Rasmussen, Ridle, Roscow, Ruffcorn, Seidensticker, Smethurst, Smith, Spencer, Strange, Swift, Taylor, Terrett, Troy, Wold, Zuck, Mr. Speaker. Total—73.

Noes: Armstrong, Bergstrom, Burke, Duffy, Hamilton, O'Connell. Total—6.

Absent and not voting: Andrus, Bernard, Cavanaugh, Davis (Wibaux), Fulsher, Gillette, Gillin, Hanson, Hoffman, Kelly (Silver Bow), Kinville, Lemmon, Perrine, Pope, Rodgers, Sandy, Scharnikow, Stoddard, Stoner, Tawney, Tierney. Total—21.

H. R. No. 3, by Committee on Federal Relations, having been read three several times was passed without dissenting vote.

H. B. No. 277, by Joffray, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Bohling, Boorman, Brandjord, Bray, Bricker, Buchanan, Buell, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Clarke, Cowley, Cronk, Davis (Fergus), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Goodman, Gullidge, Hamilton, Hanson, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Larson (Richland), Larsen (Sheridan), Leavens, Loble, McAfee, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Peden, Pilgeram, Rasmussen, Ridle, Roscow, Seidensticker, Smethurst, Smith, Spencer, Swift, Taylor, Tawney, Terrett, Troy, Wold, Mr. Speaker. Total—73.

Noes: Bosley. Total—1.

Absent and not voting: Andrus, Bernard, Cavanaugh, Davis (Wibaux), Flynn, Fulsher, Gillette, Gillin, Harris, Kelly (Silver Bow), Kinville, Lease, Lemmon, McCarty, Ostby, Perrine, Pope, Rodgers, Ruffcorn, Sandy, Scharnikow, Stoddard, Stoner, Strange, Tierney, Zuck. Total—26.

H. B. No. 323, by Wold, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Bohling, Boorman, Brandjord, Bricker, Buchanan, Buell, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Clarke, Cowley, Cronk, Davis (Fergus),



Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Mushbach, Myrick, Nelson, O'Connell, Oker, Peden, Pilgeram, Rasmussen, Ridle, Roscow, Ruffcorn, Seidensticker, Spencer, Strange, Swift, Tawney, Terrett, Tierney, Wold, Zuck, Mr. Speaker. Total—74.

Noes: Bosley, Smethurst. Total—2.

Absent and not voting: Andrew, Andrus, Bernard, Bray, Cavanaugh, Davis (Wibaux), Fulsher, Gillette, Gillin, Kelly (Silver Bow), Kinville, Lemmon, Murphy, Ostby, Perrine, Pope, Rodgers, Sandy, Scharnikow, Smith, Stoddard, Stoner, Taylor, Troy. Total—24.

H. B. No. 373, by Hoffman, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Armstrong, Arnold, Benedict, Bergstrom, Boorman, Bohling, Berryman, Brandjord, Bray, Bricker, Buchanan, Buell, Burke, Buttleman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Dean, Dell, Denny, Elliott, English, Facey, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Kelly (Pondera), Kennedy, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Rasmussen, Ridle, Roscow, Ruffcorn, Sandy, Seidensticker, Spencer, Strange, Swift, Taylor, Tawney, Tierney, Mr. Speaker. Total—72.

Noes: Bosley, Cowley, Duffy, Flynn, Smethurst, Terrett. Total—6.

Absent and not voting: Andrew, Andrus, Baker, Bernard, Davis (Wibaux), Fulsher, Gillette, Gillin, Johnson, Kelly (Silver Bow), Kenyon, Kinville, Lemmon, Pope, Rodgers, Scharnikow, Smith, Stoddard, Stoner, Troy, Wold, Zuck. Total—22.

H. B. No. 385, by Committee on Appropriations, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Buell, Burke, Buttleman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Goodman, Gullidge, Hamilton, Hanson, Hawley, Hoffman, Holton, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Kennedy, Mushbach, Myrick, Oker, Peden, Perrine, Pilgeram, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Seidensticker, Spencer, Strange, Swift, Taylor, Tawney, Tierney, Zuck, Mr. Speaker. Total—72.

Noes: Cowley, Kelly (Pondera), Smethurst, Terrett. Total—4.

Absent and not voting: Andrew, Andrus, Bernard, Davis (Wibaux), Fulsher, Gillette, Gillin, Harris, Joffray, Johnson, Kelly (Silver Bow), Kenyon, Kinville, Loble, Nelson, O'Connell, Ostby, Pope, Scharnikow, Smith, Stoddard, Stoner, Troy, Wold. Total—24.

H. B. No. 386 by Committee on Appropriations having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Arnold, Benedict, Berryman, Bohling, Boorman, Brandjord, Bricker, Buchanan, Buttleman, Caplis, Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Wibaux), Dell, Denny, Elliott, English, Flynn, Hanson, Hawley, Holton, Kelly (Pondera), Kelly (Silver Bow), Kenyon, Lease, Leavens, Lemmon, McAfee, McCormack, Maury, Murphy, Mushbach, Myrick, Oker, Peden, Perrine, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Spencer, Swift, Terrett, Tierney, Troy, Wold, Zuck. Total—51.

Noes: Armstrong, Bergstrom, Bernard, Bosley, Bray, Burke, Cady, Cowley, Davis (Fergus), Davis (Wibaux), Duffy, Facey, Gullidge, Harris, Hoffman, Larson (Richland), Larsen (Sheridan), McLeod, Nelson, Ostby, Pilgeram, Seidensticker, Smethurst, Smith, Strange, Taylor, Tawney, Mr. Speaker, Carlson (Gallatin). Total—29.

Absent and not voting: Andrew, Andrus, Baker, Buell, Fulsher, Gillette, Gillin, Goodman, Hamilton, Joffray, Johnson, Kennedy, Kinville, Loble, McCarty, O'Connell, Pope, Scharnikow, Stoddard, Stoner. Total—20.



H. B. No. 387, by Committee on Appropriations, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Arnold, Bernard, Berryman, Bohling, Brandjord, Bray, Bricker, Buchanan, Buell, Buttelman, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Dean, Dell, Denny, Elliott, English, Facey, Goodman, Gullidge, Hamilton, Hanson, Hawley, Hoffman, Kelly (Pondera), Kelly (Silver Bow), Kenyon, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, O'Connell, Oker, Peden, Perrine, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Seidensticker, Spencer, Stoddard, Strange, Swift, Tierney, Troy, Wold, Mr. Speaker. Total—61.

Noes: Armstrong, Bergstrom, Bosley, Burke, Cady, Cowley, Davis (Wibaux), Davis (Fergus), Duffy, Flynn, Harris, Nelson, Pilgeram, Smethurst, Smith, Tawney, Terrett. Total—17.

Absent and not voting: Andrew, Andrus, Baker, Benedict, Boorman, Clarke, Cronk, Fulsher, Gillette, Gillin, Holton, Joffray, Johnson, Kennedy, Kinville, Loble, Ostby, Pope, Scharnikow, Stoner, Taylor, Zuck. Total—22.

H. B. No. 388, by Committee on Appropriations, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Armstrong, Arnold, Baker, Bergstrom, Bernard, Berryman, Bohling, Bosley, Bray, Buchanan, Buell, Buttelman, Cady, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Goodman, Gullidge, Hanson, Harris, Hawley, Hoffman, Kelly (Silver Bow), Kennedy, Kenyon, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, Oker, Peden, Perrine, Pilgeram, Rasmussen, Ridle, Roscow, Ruffcorn, Sandy, Seidensticker, Smith, Spencer, Stoddard, Swift, Tawney, Tierney, Troy, Wold. Total—70.

Noes: Burke, Kelly (Pondera), O'Connell, Smethurst, Strange, Terrett, Mr. Speaker. Total—7.

Absent and not voting: Andrus, Benedict, Boorman, Brandjord, Bricker, Caplis, Cowley, Fulsher, Gillette, Gillin, Hamilton, Holton, Joffray, Johnson, Kinville, McCormack, Osby, Pope, Rodgers, Scharnikow, Stoner, Taylor, Zuck. Total—23.

Moved by Caplis, duly seconded that the House reconsider its action on third reading of Senate Bill No. 62, Mr. Speaker stated that the Journal would show the motion had been made, and that it may be acted upon when the proper order of business was reached.

#### CONSIDERATION OF GENERAL ORDERS.

Moved by Gullidge, duly seconded and carried, that the House resolve itself into a Committee of the Whole for the consideration of General Orders and that the same time restrictions be in force as have been used during the past few days.

Sandy in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole, having had under consideration bills on General Orders, respectfully report back with the recommendation that:

S. B. No. 52: Be concurred in.

S. B. No. 154: Be concurred in.

S. B. No. 190: That the enacting clause be stricken out.

S. B. No. 93: Be placed at the bottom of column one on General Orders.

S. B. No. 205: Be concurred in.

S. B. No. 91: Be concurred in.

S. B. No. 157: Be concurred in.

S. B. No. 207: Be concurred in.

S. B. No. 177: Be concurred in.

S. B. No. 153: Be concurred in.

S. B. No. 151: That the enacting clause be stricken out.

S. B. No. 103: Be placed at the bottom of the second column on General Orders.

SANDY, Chairman."

On motion of Sandy, report adopted.

Moved by Oker, duly seconded, that the House reconsider its last action upon Senate Bill No. 119.

Moved by Smethurst, duly seconded that motion to reconsider be laid upon the table.

Smethurst requested a roll call, duly Seconded, and the motion to table failed, the vote being as follows:

Ayes: Andrew, Benedict, Bernard, Berryman, Bosley, Buchanan, Buttelman, Carlson (McCone), Cavanaugh, Davis (Fergus), Dean, Duffy, Facey, Flynn, Goodman, Gullidge, Hanson, Kennedy, Larson (Richland), Larsen (Sheridan), McAfee, Myrick, Ostby, Pilgeram, Sandy, Smethurst, Terrett, Troy, Mr. Speaker. Total—29.

Noes: Armstrong, Arnold, Baker, Bergstrom, Bohling, Boorman, Brandjord, Bricker, Burke, Caplis, Carlson (Gallatin), Clarke, Cronk, Davis (Wibaux), Dell, Denny, Elliott, English, Hamilton, Harris, Hawley, Hoffman, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kenyon, Lease, Leavens, Loble, McCarty, McLeod, Maury, Mushbach, Nelson, Oker, Peden, Perrine, Rasmussen, Ridle, Roscow, Seidensticker, Smith, Spencer, Stoddard, Swift, Taylor, Tawney, Wold, Ruffcorn. Total—50.

Absent and not voting: Andrus, Bray, Buell, Cady, Cowley, Fulsher, Gillette, Gillin, Holton, Kinville, Lemmon, McCormack, Murphy, O'Connell, Pope, Rodgers, Scharnikow, Stoner, Strange, Tierney, Zuck. Total—21.

The Committee on Enrollment reported as follows:

"Mr. Speaker:

We, your Committee on Enrollment wish to report House Bills Nos. 35, 53, 55, 58, 67, 80, correctly enrolled.

McAFEE, Chairman."

"Mr. Speaker:

We, your Committee on Enrolling, beg to report House Bill No. 76 correctly enrolled.

McAFEE, Chairman."

Moved by Gullidge, duly seconded and carried, that the House adjourn until Monday, February 26, at 10:30 a. m.

CALVIN CRUMBAKER, Speaker.

Attest: JAMES A. SHOEMAKER, Chief Clerk.

## FIFTY-SEVENTH DAY

House of Representatives,  
February 26, 1923.

House convened pursuant to adjournment at 10:30 a. m.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Upon roll call, all members present except: Boorman, Cowley and Gillin, absent; Gillette, excused.

The Committee on Journal reported as follows:

"Mr. Speaker:

We, your Committee on Journal, have this day examined the Journal for the 55th legislative day and found the same correct.

BUCHANAN, Chairman."

Report adopted.

COMMUNICATIONS AND PETITIONS.  
COMMUNICATIONS FROM THE SENATE.

"Helena, Montana, February 24, 1923.

Mr. Speaker :

I am directed by the Senate to inform your Honorable Body that the following House bills were this day read third time, concurred in, title agreed to and are herewith transmitted to the House:

House Bill No. 157.  
House Bill No. 166.  
House Bill No. 227.  
House Bill No. 240.  
House Bill No. 255.  
House Bill No. 268.  
House Bill No. 271.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 24, 1923.

Mr. Speaker :

I am directed by the Senate to inform your Honorable Body that House Bill No. 59, introduced by Committee on Education, was this day read third time and concurred in as amended by committee, title agreed to, and is herewith transmitted to the House.

Amend by striking out the word "of" in line 17, Section 1, page 1, after the word "one" and inserting in lieu thereof the word "or."

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 24, 1923

Mr. Speaker :

I am directed by the Senate to inform your Honorable Body that House Bill No. 120, introduced by Bernard, was this day in the Committee of the Whole, recommended for non-concurrence by striking out the enacting clause. Report adopted and bill is herewith returned to the House.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 24, 1923.

Mr. Speaker :

I am directed by the Senate to inform your Honorable Body that the following House bills were this day reported from committees with the recommendation that they be not concurred in, reports adopted and bills are herewith returned to the House.

Substitute for House Bill No. 28.

House Bill No. 92.

House Bill No. 195.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 24, 1923.

Mr. Speaker :

I am directed by the Senate to inform your Honorable Body that the Senate this day concurred in House amendments to Senate Bill No. 92.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 24, 1923.

Mr. Speaker :

I am directed by the Senate to inform your Honorable Body that the Committee of the Whole to whom was referred business on General File, having had the same under consideration, recommend the same as follows:



That House Bill No. 27, be concurred in.  
 That House Bill No. 166, be concurred in.  
 That House Bill No. 240, be concurred in.  
 That House Bill No. 255, be concurred in.

Very respectfully,

J. F. CONE, Secretary of the Senate."

Moved by Loble, duly seconded and carried, that the following communications be considered read at length:

"Helena, Montana, February 24, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 198, introduced by Hoffman, was this day read third time and concurred in, as amended by the Committee on Agriculture, title agreed to, and is herewith returned to the House.

Amend title by striking out in line 5 of Engrossed Bill the word "Receipts" and insert in lieu thereof the word "certificates."

Amend Section 2, line 24 of engrossed bill by striking out the word "from" and insert in lieu thereof the word "form."

Strike out in Section 2, line 28, of the engrossed bill the word "twenty-five" and insert in lieu thereof the word "fifty."

Amend Section 5, lines 17 and 18, by striking out beginning with the words "the county to pay" in line 17 and all the remainder of lines 17 and 18.

Amend Section 6, line 28, by striking out the word "the" after the word "to" and inserting the word "be."

Amend Section 6, page 4, line 31, of engrossed bill by inserting after the word "from" the word "in."

Amend Section 6, page 5, line 6, of engrossed bill by adding after the word "lines" the words "of all inspections made during that week."

Strike out in Section 10, beginning with the word "Whereas" in line 14, all of line 15 and the word "crops" in line 16.

Amend Section 4, line 1, by striking out the word "receipts" and insert in lieu thereof the word "certificates."

Amend Section 7, line 1, by striking out the word "receipts" and inserting the word "certificates."

Also amend in Section 7, line 15 of the engrossed bill by striking out the word "receipts" and insert in lieu thereof the word "certificate."

Strike out in Section 1, line 4 of printed bill the word "Receipt" and insert in lieu thereof the word "certificates."

Amend Section 4, line 9, of printed bill by striking out the word "receipt" and inserting the word "certificate."

Amend Section 7, line 4, by striking out the word "receipt" and inserting the word "certificate."

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 24, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 127, introduced by Committee on Agriculture was this day read third time and concurred in, as amended by committee, and is herewith transmitted to the House for concurrence in Senate amendments.

Amend the title of same, line 13, by inserting after the word "Codes" the words "of Montana." Amend title of House Bill No. 127, by inserting after the figures "1921" in line 13 of the printed bill the following: "and by adding three new sections to be numbered 350A, 350B, and 354A."

Amend Section 1, by inserting in line 1, after the word "Codes," the words "of Montana 1921."

Amend Section 2, by adding after the figures 2 in line 1 of the printed bill the following "That a new section be added to read as follows: "Section 350A."

Amend Section 3 by adding after the figure 3, in line 1, of the printed bill, the following, "That a new section be added to read as follows: "Section 350-B."

Amend Section 4, by inserting in line 1 of the printed bill after the word "Codes" the words "of Montana 1921."

Amend Section 5, of the printed bill by inserting in line 1 after the word "Codes" the words, "of Montana 1921."

Amend Section 6, of the printed bill, line 1, by inserting after the word "Codes," the words "of Montana 1921."

Amend Section 7, by inserting after the figure 7, in line 1, of the printed bill the following, "That a new section be added to read as follows: "Section 354-A."

Amend Section 8, of the printed bill by inserting in line 1, after the word "Codes," the words "of Montana 1921."

Amend Section 9, of the printed bill, by inserting in line 1, after the word "Codes," the words, "of Montana 1921."

Amend Section 10, of the printed bill by inserting in line 1, after the word "Codes," the words "of 1921."

Amend Section 10, of the printed bill, by striking out in line 24, the word "with" and inserting in lieu thereof, the word "without."

Amend Section 10, of the printed bill, by striking out in line 25 "a part of" and inserting in lieu thereof "a part or."

Amend Section 11, by inserting in line 1, after the word "Codes," the words "of Montana 1921."

Amend Section 12, by inserting in line 1, after the word "Codes" the words "of Montana 1921."

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 24, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the standing committees this day reported as follows:

Committee on Education: House Bill No. 228, introduced by Committee on Appropriations:

Recommend that same be concurred in.

Committee on Judiciary: House Bill No. 92, introduced by Pope, Elliott, Brandjord and Nelson:

Recommend that same be not concurred in.

Committee on Judiciary: Substitute for House Bill No. 43, introduced by Committee on State Boards and Officers:

Recommend that same be concurred in.

Committee on Judiciary: House Bill No. 195, introduced by McCormack.

Recommend same be not concurred in.

Committee on Education: Substitute for House Bill No. 28, introduced by Committee on Education.

Recommend same be not concurred in.

Committee on Education: House Bill No. 263, introduced by Taylor.

Recommend same be concurred in.

Committee on Education: House Bill No. 253, introduced by Pope:

Recommend same be submitted without recommendation.

Committee on Banks and Banking: House Bill No. 272, introduced by Larsen of Sheridan:

Substitute motion by Taylor that bill be placed on General File; motion carried.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 24, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following standing committees this day reported as follows:

Committee on Taxation: House Bill No. 196, introduced by Buell, McCormack, Holton, Brandjord, Myrick, Pope and Buttelman:

The majority report recommended that the same do not pass.

The minority report recommended the same do pass.

On roll call minority report was adopted and bill was placed on General File.

Committee on Public Lands: House Bill Substitute No. 101, introduced by Committee on State Lands:

Amend same by striking out the words, "Any party defendant" in lines 5, 11, and 25, all in Section 1, inserting in lieu thereof the words, "All parties interested of record."

And as amended, recommend same be concurred in.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"February 24, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee of the Whole to whom was referred business on General File, report and recommend as follows:

That consideration of House Bill No. 281 be passed.

That consideration of House Bill No. 283 be passed.

That House Bill No. 198 be concurred in.

That consideration of House Bill No. 299 be passed.

That House Bill No. 157 be concurred in.

That House Bill No. 227 be concurred in.

That House Bill No. 268 be concurred in.

That House Bill No. 271 be concurred in.

That House Bill No. 59 be concurred in.

That House Bill No. 120 be amended by striking out the enacting clause.

That consideration of House Bill No. 204 be passed.

That House Bill No. 19 be amended in Section 1 by re-instating that portion of said section relating to rotation of names on ballot, struck out in Committee of the Whole, February 23rd.

And as so amended, recommend same be concurred in.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 26, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate this day concurred in House amendments to House Bills Nos. 99, 66, and 112.

Very respectfully,

J. F. CONE, Secretary of the Senate."

#### COMMUNICATIONS FROM THE GOVERNOR.

"Helena, Montana, February 24, 1923.

The Speaker,

House of Representatives,

Helena, Montana.

I have the honor to advise you that I have this day approved the following House bills:

H. J. M. No. 6—Petition to Congress enacting such laws and measures as will provide for a "Great Lakes-St. Lawrence Waterway Project."

No. 125—Prohibiting possession of and traffic in *lophophora Williamsii* or peyote and *Agava Americana* and providing penalties for its violation.

No. 142—Amending Section 8291 of the Revised Codes of Montana, 1921, relating to removing or selling mortgaged property to defraud mortgagees.

No. 165—Appropriating money for the maintenance of the Industrial Accident Board for the fiscal year beginning July 1, 1922, and ending June 30, 1923, and to rectify a misappropriation made by the Seventeenth Legislative session.

No. 172—Providing county assistance for the shooting, poisoning and trapping of rodents in control districts established by the state board of entomology for the control of the Rocky Mountain spotted fever.

JOS. M. DIXON, Governor."



## REPORTS OF SELECT COMMITTEES

The following reports of special committee to investigate executive departments was received:

"Helena, Montana, February 24, 1923.

Mr. Speaker:

We, your Special Committee, appointed to investigate the executive departments of the State, beg leave to report at this time on the department of the Secretary of State, and the various departments under his jurisdiction, of which are:

First: General Administration Department.

Second: Motor Vehicle Administration Department.

Third: Gas and Oil Inspection Department.

I.—General Fund Department:

Balance on hand July 1st, 1921.....	\$ 38.00
Appropriation for fiscal year beginning July 1st, 1921, ending June 30th, 1922 .....	\$12,340.00
	<hr/>
	\$12,340.00
Expenses, salaries, etc., for General Department.....	9,528.01
	<hr/>
Balance on hand June 30th, 1922 .....	\$ 2,811.99
Appropriation for fiscal year from July 1st, 1922, to July 1st, 1923 .....	51,555.00
	<hr/>
	\$54,366.99
Salaries and Expenses, July 1st, 1922, to December 21st, 1922....	28,000.73
	<hr/>
Balance on hand January 1st, 1923, available for operation of General Fund Department for the balance of the fiscal year .....	\$26,366.26
II.—Motor Vehicle Administration Department.	
Balance on hand, July 1st, 1921.....	\$647.52
Appropriation, Motor Vehicle Administration Fund for the fiscal year 1921 to 1922.....	\$42,900.00
Disbursements .....	33,859.45
	<hr/>
Appropriation, Motor Vehicle Administration Fund for the fiscal year 1922 to 1923 .....	46,550.00
	<hr/>
	\$55,590.55
Disbursements up to January 1st, 1923.....	10,903.08
	<hr/>
Balance on hand January 1st, 1923, available for expenses ending, for the fiscal year, July 1st, 1923.....	\$44,687.47
III.—Gas and Oil Inspection Department.	
Balance on hand July 1, 1921, reverting to Oil and Gas Inspection Fund .....	\$ 692.26
Appropriation Oil Inspection Fund, beginning July 1, 1921.....	\$ 8,935.00

## DISBURSEMENTS

	Chemist's Department	State Inspector	
Salaries .....	\$ 961.55	\$3,559.95	
Traveling Expenses .....		2,101.15	
Contingent and Miscellaneous .....	401.08	228.92	
	<hr/>	<hr/>	
	\$1,362.63	\$ 5,890.02	\$ 7,252.65
			<hr/>
Balance on hand June 30, 1922.....			\$ 1,682.35

Appropriation Oil Inspection Fund for fiscal year beginning July 1, 1922.....	8,935.00
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Total available for fiscal year 1923.....	\$10,617.35
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## DISBURSEMENTS

July-December 1922.

	Chemist's Department	State Inspector	
Salaries .....	\$ 454.38	\$1,809.97	
Traveling Expenses .....		1,636.64	
Contingent and Miscellaneous .....	47.50		
	\$501.88	\$3,446.61	\$ 3,948.49

Balance on hand January 1, 1923, available for operation of Oil Inspection Fund for balance of fiscal year .....	\$ 6,668.86
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In commenting on the report herewith submitted, we, your committee, recommend that the Gas and Oil Inspection Department be continued; that an appropriation be made for its support; that the Deputy Oil Inspector has conducted his department in a very efficient manner; the Deputy Oil Inspector has been able to collect approximately \$5,000.00 each year from delinquent auto license tax, and also while on his inspection tour of the State acts as collector and auditor checking dealer's license tax, and collecting therefor such delinquencies, if any.

We, therefore, recommend that the Board of Examiners empower such Deputy Oil Inspector to perform such duties as license tax inspector and collector, as the Board of Equalization may designate; also we recommend that the deputy collector, if any, be appointed by the State Board of Equalization; be empowered to act as Deputy Oil Inspector; by so doing you will avoid duplication of the expense of one inspector or collector, insuring mileage and expense unnecessarily. By merging the duties of these deputies of these two departments we believe a great saving can be effected, and still maintain the efficiency and high standard of the oil inspections and chemist's department of our State, that the consumers of oil and gasoline of the State will have such protection as they are entitled to.

## MOTOR VEHICLE DEPARTMENT.

In commenting on this department, beg leave to report that this department is costing the State seemingly quite a large sum of money, but inasmuch as our time is limited, we have not been able to arrive at any recommendations, any further than that the department is conducted, no doubt, as economically as possible, and very efficiently. Will say that possibly this department could be handled at the State prison and a saving effected by the employment of prison labor.

The committee believes these departments have been built up to a very efficient standard, and believes due consideration should be had before disorganization or transfer is made of any of these two departments now under the supervision of the Secretary of State.

Respectfully submitted,  
HANSON, Chairman.  
CRONK.  
BRANDJORD."

On motion of Hanson, report adopted.

## REPORTS OF STANDING COMMITTEES.

The following report of standing committees were received:

"Mr. Speaker:

We, your Committee on Education, having had under consideration S. B. No. 186, introduced by Committee on Education: "A Bill for an Act entitled:

'An Act to repeal Section 836, Paragraph 7, of the Revised Codes of Montana 1921, relating to powers and duties of State Board of Education; to repeal Sections 837, 838, 839 and 840 of the Revised Codes of Montana 1921, relating to the issuance of state certificates and life certificates; to amend Section 944 of the Revised Codes of Montana 1921, relating to examinations; to repeal Section 947 of the Revised Codes of Montana 1921, relating to temporary state certificates; to repeal Section 1074 of the Revised Codes of Montana 1921, relating to certificate of qualification, 1086 of the Revised Codes of Montana 1921, relating to normal training requirements, and 1087 of the Revised Codes of Montana 1921, relating to suspension of teachers' certificates; to amend Chapter 86 of the Political Codes of Montana 1921 pertaining to State and county examinations and certificates, and being an act codifying and amending the school laws of Montana regarding examination and certification of teachers.

Respectfully report as follows: That Senate Bill No. 186 be concurred in.  
GULLIDGE, Chairman."

On motion of Gullidge, report adopted.

"Mr. Speaker:

We, your Committee on Education, having had under consideration, S. B. No. 200, introduced by Lowe: "A Bill for an Act entitled: 'An Act empowering school trustees upon authorization by vote of the electors of a school district, to convey to the State of Montana any property of a school district for the use of any state educational institution now existing or hereafter created, located in said school district providing for an election upon the question of such authorization, and regulating the payment of outstanding obligations of such school district,'" respectfully report as follows:

That S. B. No. 200, be recommended favorably for concurrence.

GULLIDGE, Chairman."

On motion of Gullidge, report adopted.

"Mr. Speaker:

We, your Committee on Education, having had under consideration, H. B. No. 45, introduced by Gullidge: "An Act to amend Section 1280 of the Revised Codes of Montana of 1921, relating to support of district high schools,'" respectfully report as follows:

That H. B. No. 45, do not pass.

GULLIDGE, Chairman."

On motion of Gullidge, report adopted.

"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration, H. B. No. 390, introduced by Appropriations Committee: "An Act appropriating money for the payment of deficiency claims arising out of the operation of various state departments for the year ending February 28th, 1923,'" respectfully report as follows:

That H. B. No. 390, do pass.

LEASE, Vice-Chairman."

On motion of Lease, report adopted.

"Mr. Speaker:

We, your Committee on Labor, having had under consideration, Substitute H. B. No. 15, introduced by Committee on Agriculture, being "A Bill for an Act entitled: 'An Act to provide for a lien upon growing crops, under certain conditions, for labor performed in and upon the planting, cultivating, care and harvesting of such crops,'" respectfully report as follows:

That, we recommend that said bill do not pass, as the subject matter is covered in S. B. No. 26.

STONER, Chairman."

On motion of Stoner, report adopted.

"Mr. Speaker:

We, your Committee on Labor, having had under consideration, S. B. No. 26, introduced by Page, being: "A Bill for an Act entitled: 'An Act creating a laborers' lien on the products of his work and labor, for such work and labor,



and providing for the manner of the enforcement of such laborers' lien'," respectfully report as follows:

That we recommend that Said S. B. No. 26 be concurred in.

STONER, Chairman."

On motion of Stoner, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration, S. B. No. 138, by Mains, entitled: "An Act to amend Sections 8812 and 8813 of the Revised Codes of Montana of 1921, relating to the Judicial Districts of the State of Montana and the judges thereof; providing the number of such judicial districts and defining them: providing for the number of judges in each of such judicial districts: providing when the said judicial districts shall come into existence, and providing for the nomination and election of judges thereof for the next general election'," respectfully report as follows:

That S. B. No. 138, be not concurred in.

KENYON, Chairman."

Moved by Kenyon, duly seconded that report be adopted.

Moved by Swift, as a substitute, duly seconded and carried that Senate Bill No. 138 be placed on General Orders.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration, S. B. No. 172, by Hazelbaker, entitled: "An Act providing for the consolidation of county offices upon a vote of the qualified electors of the county and providing for the holding of an election for said purpose'," respectfully report as follows:

That S. B. No. 172, be not concurred in.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration, S. B. No. 171, by Mears, entitled: "An Act defining the meaning of 'property,' 'value of property,' 'taxable value' and assessed value, and other expressions in the limitations upon levying, or in any statute, law, or rule imposing, taxes in the State of Montana'," respectfully report as follows:

That S. B. No. 171, be concurred in.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration, S. B. No. 199, introduced by Lowe: "An Act creating the northern Montana State Normal School designating the method of its locations and defining its purpose and making an appropriation of money to carry out this Act'," respectfully report as follows:

That S. B. No. 199, be referred to Committee on Education.

BUELL, Chairman."

On motion of Hawley, report adopted.

"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration, H. B. No. 382, introduced by Ostby: "An Act creating the northern Montana State Normal School, designating the method of its location and defining its purpose and making an appropriation of money to carry out this Act'," respectfully report as follows:

That H. B. No. 382, do not pass.

BUELL, Chairman."

On motion of Hawley, report adopted.

## INTRODUCTION OF BILLS AND MEMORIALS

The following bills were introduced, read first and second times and referred to Committee as follows:

H. B. No. 391, by Appropriations Committee: "A Bill for an Act entitled: 'An Act appropriating money for the operation of the Montana State Fair for the period beginning July 1st, 1923, and ending June 30th, 1925 and amending Section 3645, Revised Codes of Montana of 1921, relating to income and earnings of the Montana State Fair, providing that such income and earnings shall be turned into the State General Fund,'" (Committee on Appropriations).

H. B. No. 392, by Appropriations Committee: "A Bill for an Act entitled: 'An Act to appropriate money for the State Fire Marshall for use in the interest of public safety and prescribing the purposes thereof,'" (Committee on Appropriations).

H. B. No. 393, by Appropriations Committee: "A Bill for an Act entitled: 'An Act appropriating money to reimburse James L. Stillwell for moneys expended and loss sustained in defense of titles to certain lands purchased from the State Board of Land Commissioners upon which he was subsequently contested.'" (Committee on Appropriations).

## MOTIONS AND RESOLUTIONS

Caplis called up his motion, previously made, for the reconsideration of the action of the House in adopting report of the Committee recommending that Senate Bill No. 62 be not concurred in. The motion carried.

Moved by Caplis, duly seconded and carried that the Senate be requested to return S. B. No. 62 to the House and that Senate Bill No. 62 be again placed on third reading.

Moved by Oker, duly seconded and carried that House reconsider its action in adopting unfavorable report on Senate Bill No. 119.

Moved by Oker, duly seconded and carried that the Senate be requested to return Senate Bill No. 119 to the House, and that it then be placed on General Orders.

Moved by Hanson, duly seconded and carried that House Bill No. 358 be placed on General Orders.

Moved by Pilgeram, duly seconded and carried that Senate Bill No. 177 be taken from third reading and be re-referred to the Committee on State Boards and Officers.

Moved by Gullidge, duly seconded that Senate Bill No. 147 be recalled from the Committee on Privileges and Elections and placed on General Orders.

Moved by Myrick, duly seconded that the motion be laid upon the table.

Gullidge asked for a roll call, duly seconded. The motion to table failed, the vote being as follows:

Ayes: Benedict, Bohling, Bosley, Brandjord, Bray, Cady, Caplis, Carlson (McCone), Cavanaugh, Duffy, Elliott, Facey, Hamilton, Hanson, Harris, Hoffman, Holton, Kenyon, Larson (Richland), Larsen (Sheridan), Loble, McCarty, McCormack, Myrick, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Ruffcorn, Smethurst, Stoner, Strange, Swift, Tawney, Tierney, Mr. Speaker. Total—38.

Noes: Armstrong, Arnold, Bergstrom, Bernard, Berryman, Bricker, Buchanan, Burke, Buttleman, Carlson (Gallatin), Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, English, Flynn, Fulsher, Goodman, Gullidge, Hawley, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kinville, Lease, Leavens, Lemmon, McLeod, Maury, Murphy, Mushbach, Nelson, O'Connell, Rasmussen, Ridle, Rodgers, Roscow, Sandy, Scharnikow, Seidensticker, Smith, Spencer, Stoddard, Taylor, Terrett, Troy, Zuck. Total—50.

Absent and not voting: Andrew, Andrus, Baker, Boorman, Buell, Cowley, Gillette, Gillin, Joffray, Johnson, McAfee, Wold. Total—12.

Question arising on motion to place on General Orders, same carried.

Moved by Smith, duly seconded that House Bill No. 209 be placed on General Orders.

Moved by Larsen of Sheridan, duly seconded and carried that motion be tabled.

Mr. Speaker gave notice that he was about to sign Senate Bills Nos. 195, 189, 143, 122, 106, 92, 86, 42, 68, 57, 39, Senate Sub. J. R. No. 2, Senate Bills 77, 90, 73, 21, 134, 96, 107, 72, 4, 181, 140, 24, 56, 78, 38, respectively, and thereupon signed the same.

### THIRD READING OF SENATE BILLS

Moved by Gullidge, duly seconded and carried by unanimous consent that all Senate Bills be read by title and history only.

S. B. No. 91, by Duncan, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrus, Armstrong, Arnold, Bergstrom, Bernard, Berryman, Brandjord, Bray, Bricker, Buchanan, Burke, Buttleman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Clarke, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Flynn, Fulsher, Goodman, Gullidge, Hanson, Harris, Hawley, Hoffman, Holton, Kelly (Pondera), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Taylor, Tawney, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—78.

Noes: Bosley. Total—1.

Absent and not voting: Andrew, Baker, Benedict, Bohling, Boorman, Buell, Cavanaugh, Cowley, Cronk, Facey, Gillette, Gillin, Hamilton, Joffray, Johnson, Kelly (Silver Bow), McAfee, McCarty, Rodgers, Swift, Terrett. Total—21.

S. B. No. 207, by Greening, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrus, Armstrong, Arnold, Benedict, Bergstrom, Bernard, Berryman, Bohling, Bosley, Brandjord, Bray, Bricker, Buchanan, Burke, Buttleman, Cady, Caplis, Clarke, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Flynn, Fulsher, Goodman, Gullidge, Harris, Hawley, Hoffman, Kelly (Pondera), Kennedy, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smith, Spencer, Stoddard, Stoner, Strange, Taylor, Tawney, Troy, Wold, Mr. Speaker. Total—73.

Noes: None.

Absent and not voting: Andrew, Baker, Boorman, Buell, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Cowley, Cronk, Facey, Gillette, Gillin, Hamilton, Hanson, Holton, Joffray, Johnson, Kelly (Silver Bow), Kenyon, McAfee, McCarty, Perrine, Smethurst, Swift, Terrett, Tierney, Zuck. Total—27.

Senate Amendments to H. B. No. 127, were concurred in by the following vote:

Ayes: Armstrong, Arnold, Benedict, Bergstrom, Bernard, Berryman, Bohling, Bosley, Brandjord, Bray, Bricker, Buchanan, Buttleman, Cady, Caplis, Carlson (McCone), Clarke, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, English, Flynn, Fulsher, Goodman, Gullidge, Harris, Hawley, Hoffman, Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Taylor, Tawney, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—72.

Noes: Burke. Total—1.

Absent and not voting: Andrew, Andrus, Baker, Boorman, Buell, Carlson (Gallatin), Cavanaugh, Cowley, Cronk, Elliott, Facey, Gillette, Gillin, Hamilton, Hanson, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), McAfee, McCarty, Ruffcorn, Sandy, Scharnikow, Swift, Terrett. Total—27.



Moved by Hoffman, duly seconded and carried that Senate Amendments to H. B. No. 198 be not concurred in and that a conference committee to act thereon be appointed.

Senate Amendments to Sub. for H. B. No. 59, were concurred in by the following vote:

Ayes: Andrus, Arnold, Benedict, Bergstrom, Bernard, Berryman, Bohling, Brandjord, Bray, Bricker, Buchanan, Burke, Buttleman, Cady, Caplis, Carlson (McCone), Clarke, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Flynn, Fulsher, Goodman, Hawley, Hoffman, Kennedy, Kenyon, Kinville, Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Taylor, Tierney, Troy, Wold, Mr. Speaker. Total—70.

Noes: Armstrong, Harris. Total—2.

Absent and not voting: Andrew, Baker, Boorman, Bosley, Buell, Carlson (Gallatin), Cavanaugh, Cowley, Cronk, Facey, Gillette, Gillin, Gullidge, Hamilton, Hanson, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Larson (Richland), Peden, Roscow, Ruffcorn, Swift, Tawney, Terrett, Zuck. Total—28.

S. B. No. 205, by Paul, Dowlin and Clark, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrus, Arnold, Benedict, Bergstrom, Berryman, Bohling, Brandjord, Bray, Bricker, Buchanan, Buttleman, Cady, Caplis, Carlson (McCone), Clarke, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Elliott, English, Flynn, Fulsher, Goodman, Gullidge, Harris, Hawley, Hoffman, Kennedy, Kenyon, Kinville, Larsen (Sheridan), Lease, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Perrine, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Seidensticker, Smethurst, Stoddard, Stoner, Strange, Tierney, Troy, Wold, Mr. Speaker. Total—65.

Noes: Armstrong, Duffy, Pilgeram. Total—3.

Absent and not voting: Andrew, Baker, Bernard, Boorman, Bosley, Buell, Burke, Carlson (Gallatin), Cavanaugh, Cowley, Cronk, Facey, Gillette, Gillin, Hamilton, Hanson, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Larson (Richland), Leavens, Peden, Scharnikow, Smith, Spencer, Swift, Taylor, Tawney, Terrett, Zuck. Total—32.

Moved by Gullidge, duly seconded and carried that the House recess until 1:30 P. M.

#### AFTERNOON SESSION

House resumed at 1:30 P. M.

Mr. Speaker in the chair.

Mr. Speaker announced that the Conference Committee on House Bill No. 198 would consist of Hoffman, Hanson and Bergstrom.

#### THIRD READING OF SENATE BILLS

S. B. No. 157, by Walker, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Arnold, Baker, Bergstrom, Bohling, Brandjord, Bricker, Buchanan, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Davis (Fergus), Davis (Wibaux), Dean, Denny, Elliott, English, Facey, Fulsher, Goodman, Gullidge, Hawley, Joffray, Kelly (Silver Bow), Kennedy, Kinville, Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCormack, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Pope, Roscow, Ruffcorn, Sandy, Seidensticker, Smith, Spencer, Stoddard, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—57.

Noes: Burke, Pilgeram, Swift. Total—3.

Absent and not voting: Andrew, Andrus, Armstrong, Benedict, Bernard, Berryman, Boorman, Bosley, Bray, Buell, Buttleman, Cady, Caplis, Cowley, Cronk, Dell, Duffy, Flynn, Gillette, Gillin, Hamilton, Hanson, Harris, Hoffman,

Holton, Johnson, Kelly (Pondera), Kenyon, Larson (Richland), McCarty, McLeod, Peden, Perrine, Rasmussen, Ridle, Rodgers, Scharnikow, Smethurst, Stoner, Strange. Total—40.

S. B. No. 154, by Griffin, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Arnold, Baker, Bergstrom, Bohling, Brandjord, Buchanan, Burke, Cady, Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Denny, Duffy, Elliott, English, Facey, Fulsher, Goodman, Gullidge, Hanson, Harris, Hawley, Hoffman, Joffray, Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCormack, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Pilgeram, Pope, Roscow, Ruffcorn, Sandy, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—66.

Noes: None.

Absent and not voting: Andrew, Andrus, Armstrong, Benedict, Bernard, Berryman, Boorman, Bosley, Bray, Bricker, Buell, Buttleman, Caplis, Carlson (Gallatin), Cowley, Dell, Flynn, Gillette, Gillin, Hamilton, Holton, Johnson, Kelly (Pondera), Larson (Richland), McCarty, McLeod, Peden, Perrine, Rasmussen, Ridle, Rodgers, Scharnikow, Strange, Swift. Total—34.

S. B. No. 153, by Committee on Library, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrus, Arnold, Baker, Bergstrom, Bohling Brandjord, Bray, Buchanan, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Wibaux), Dean, Denny, Elliott, English, Facey, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McCormack, McLeod, Murphy, Mushbach, Myrick, Oker, Ostby, Pilgeram, Pope, Roscow, Ruffcorn, Sandy, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Swift, Taylor, Tawney, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—63.

Noes: Burke, Davis (Fergus), Duffy, Fulsher, Maury, Nelson, O'Connell, Terrett. Total—8.

Absent and not voting: Andrew, Armstrong, Benedict, Bernard, Berryman, Boorman, Bosley, Bricker, Buell, Buttleman, Cowley, Dell, Flynn, Gillette, Gillin, Holton, Joffray, Johnson, Kelly (Pondera), Larson (Richland), McAfee, McCarty, Peden, Perrine, Rasmussen, Ridle, Rodgers, Scharnikow, Strange. Total—29.

Upon request of Perrine, and with unanimous consent, the Committee on Irrigation and Water Rights was excused for committee work.

Gullidge requested and obtained by unanimous consent, permission for the Committee on Education to absent themselves for a short time at three o'clock for committee work.

S. B. No. 52, by Greening, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrew, Andrus, Arnold, Baker, Bergstrom, Berryman, Bohling, Brandjord, Buchanan, Burke, Cady, Caplis, Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Denny, Duffy, English, Facey, Fulsher, Goodman, Gullidge, Hawley, Kennedy, Kenyon, Kinville, Lease, Leavens, Lemmon, Loble, McLeod, Murphy, Mushbach, Myrick, O'Connell, Oker, Pilgeram, Pope, Rodgers, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smith, Spencer, Stoddard, Swift, Taylor, Terrett, Tierney, Troy, Wold. Total—55.

Noes: Bosley, Carlson (McCone), Elliott, Harris, Hoffman, Kelly (Silver Bow), Larsen (Sheridan), McAfee, McCormack, Ostby, Smethurst, Stoner, Tawney, Mr. Speaker. Total—14.

Absent and not voting: Armstrong, Benedict, Bernard, Boorman, Bray, Bricker, Buell, Buttleman, Carlson (Gallatin), Cowley, Dell, Flynn, Gillette, Gillin, Hamilton, Hanson, Holton, Joffray, Johnson, Kelly (Pondera), Larsen (Richland), McCarty, Maury, Nelson, Peden, Perrine, Rasmussen, Ridle, Roscow, Strange, Zuck. Total—31.



S. B. No. 62, by Haley, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrew, Andrus, Arnold, Bergstrom, Berryman, Bohling, Brandjord, Bray, Buchanan, Cady, Caplis, Carlson (McCone), Cavanaugh, Clarke, Davis (Wibaux), Denny, Duffy, Elliott, English, Gullidge, Hamilton, Hanson, Hawley, Hoffman, Holton, Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Lease, Leavens, Lemmon, McLeod, Maury, Murphy, Mushbach, Myrick, O'Connell, Oker, Peden, Rodgers, Scharnikow, Seidensticker, Stoddard, Stoner, Taylor, Tierney, Zuck. Total—48.

Noes: Baker, Bosley, Burke, Davis (Fergus), Dean, Facey, Fulsher, Goodman, Harris, Larsen (Sheridan), Loble, McAfee, McCormack, Nelson, Pilgeram, Roscow, Sandy, Smethurst, Smith, Spencer, Tawney, Terrett, Mr. Speaker. Total—23.

Absent and not voting: Armstrong, Benedict, Bernard, Boorman, Bricker, Buell, Buttlerman, Carlson (Gallatin), Cowley, Cronk, Dell, Flynn, Gillette, Gillin, Joffray, Johnson, Kelly (Pondera), Larson (Richland), McCarty, Ostby, Perrine, Pope, Rasmussen, Ridle, Ruffcorn, Strange, Troy, Swift, Wold. Total—29.

Mr. Speaker announced that he was about to sign House Bills Nos. 58, 76, 80, 67, 55, 53, and 35, respectively, and thereupon signed the same.

### CONSIDERATION OF SPECIAL AND GENERAL ORDERS

Moved by Gullidge, duly seconded and carried that the House resolve itself into a Committee of the Whole for the consideration of Special and General Orders, under the same time restrictions as have obtained for the past week.

Hawley in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

“Mr. Speaker:

We, your Committee of the Whole, having had under consideration, bills on Special and General Orders, respectfully report back with the recommendation that:

S. B. No. 17: Be amended as follows:

Section 14, subdivision (b) 1, by adding at the end of line 95 the words “or police court.”

Section 26 by inserting at the end of line 21 the following: “The resolution of the governing board providing for the issuance of any such funding bonds shall describe the amount and kinds of indebtedness which is to be funded, and declare and certify as to the validity of such indebtedness, which shall be conclusive against the municipal corporation as to the validity and legality of the indebtedness so funded; provided that warrants heretofore issued by such governing board and within the constitutional limit of indebtedness are declared to be legal and valid.”

Section 26 by striking out all thereof beginning with the word “and” in line 3 and ending with the word and figures “Montana 1921” in line 5.

Section 22 by inserting the word “corporation” after the word “municipal” in line 56.

And when so amended, be concurred in.

S. B. No. 173: Be concurred in.

S. B. No. 93: That the enacting clause be stricken out.

S. B. No. 191: Be amended as follows:

Section 1 by striking out in line 16 of the printed bill the word “may” and inserting in lieu thereof the word “must.”

Section 1, subsection 3, by striking out in line 17 the words “it may.”

Section 1, subsection 3, by inserting after the word “persons” the words “residing in the county.”

And when so amended, be concurred in.

S. B. No. 148: Be concurred in.



S. B. No. 100: Be amended as follows:

By adding to section 1 the following: "The receipts herein provided for shall be bound in book form and shall be printed and written in triplicate. One copy of such receipt shall be delivered to the person paying the tax, one copy of each and all receipts shall be turned over to the County Clerk at the end of each month to be preserved in his office; and one copy of each and all such receipts shall be permanently preserved in the office of the Treasurer."

And when so amended, be concurred in.

S. B. No. 89: Be concurred in.

S. B. No. 156: Be concurred in.

S. B. No. 183: Be concurred in.

Sub. for S. B. No. 61: Be concurred in.

S. B. No. 142: Be amended as follows:

Section 1 by striking out in line 21 of the printed bill the word "release" and inserting in lieu thereof the word "relief."

And when so amended, be concurred in.

S. B. No. 120: Be concurred in.

Sub. for S. B. No. 1 and 19: Be placed at the foot of the list on General Orders.

S. B. No. 184: Be placed at the foot of the list on General Orders.

S. B. No. 103: That the enacting clause be stricken out.

HAWLEY, Chairman."

Moved by Hawley, duly seconded that report be adopted.

Moved by Kenyon, duly seconded, that Senate Bill No. 103 be segregated from the report.

Moved by Terrett, duly seconded that the motion to segregate be laid upon the table. Motion failed.

There being no objection, Kenyon withdrew his motion to segregate.

The question then arising on the motion to adopt Committee of the Whole report, same carried.

The following communication from the Governor was read:

"Helena, Montana, February 26, 1923.

The Speaker,

House of Representatives,

Helena, Montana.

In order that the Eighteen Legislative Assembly, before its final adjournment, may be fully informed as to the situation now confronting the state government, I would respectfully ask that you arrange, through the proper channels, for a joint meeting of the two houses of the Legislative Assembly at twelve o'clock, noon, Tuesday, February twenty-seventh, in order that I may properly lay before them the necessary information, as provided for under the provisions of Section 10, Article 7, of the State Constitution.

I am addressing a similar letter to the President of the Senate.

JOS. M. DIXON, Governor.

Moved by Swift, duly seconded and carried that the Speaker appoint a Committee of three to notify the Senate that the House has received the above message from the Governor requesting a joint assembly for 12 o'clock noon, February 27, and that the House will be ready at that time to receive them in joint assembly.

Mr. Speaker appointed Lease, Leavens and Oker as the committee.

The Committee on Enrollment reported as follows:

"Mr. Speaker:

We, your Committee on Enrollment wish to report House Bills Nos. 147, 157, 166, 227, 240, 255, 268, 271 and House Resolution No. 3 correctly enrolled.

McAFEE, Chairman."

Moved by Gullidge, duly seconded and carried that the House adjourn until Tuesday, February 27, at 10:30 A. M.

CALVIN CRUMBAKER, Speaker.

Attest: JAMES A. SHOEMAKER, Chief Clerk.

## FIFTY-EIGHTH DAY

House of Representatives,  
February, 27, 1923.

House convened pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Upon roll call all members present except: Cowley and Gillin absent; Gillette, excused.

The Committee on Journal reported as follows:

"Mr. Speaker:

We, your Committee on Journal, have this day examined the Journal for the 57th Legislative day and found the same correct.

BUCHANAN, Chairman."

Report adopted.

## COMMUNICATIONS AND PETITIONS

## COMMUNICATIONS FROM THE SENATE

"Helena, Montana, February 26, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the President this day appointed Senators Griffin, Staggs, and McCone to act with a like committee from the House as a Joint Conference Committee on Senate Amendments to House Bill No. 198.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 26, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate this day concurred in House Amendments to Senate Bills 205, 153, 154, 52, 157.

Very respectfully,

J. F. CONE, Secretary of the Senate."

Moved by Loble, duly seconded and carried that the following communications be considered read at length:

"February 26, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee of the Whole to whom was referred business on general file report and recommend as follows:

That House Bill No. 196 be amended in Section 1 of the printed bill by striking out in line 9 thereof the word "three" and inserting in lieu thereof the words "one and one-half." Also amend Section 1 of the printed bill by inserting after the word "consideration" and before the word "all" in line 12 the words "All royalty oil and."

Amend Section 2 by striking out lines 2, 3, 4, 5 and 6 and the House Amendments of said Section 2 and insert in lieu thereof the following:

Section 2399: TAX WHEN PAYABLE: Such license tax shall be paid on December 31st, of each year the State Treasurer shall transfer from the income of this tax to the Public School Fund of the State a sum equal to Seventy-five per cent (75%) of the total amount of such license taxes collected during such year, the same to be apportioned in the same way as the other incomes of the public school fund is apportioned, and at the same time the State Treasurer shall also apportion a sum equal to twenty-five per cent (25%) of such license taxes collected during such year to the high schools of the State on the basis of the aggregate number of day's attendance during the preceding school year in each High School.

Amend Section 3 by adding in line 7 after the word therefrom the words "all royalty oil and"

Amend Section 1 by striking out in line nine (9) of the printed bill the words "one and one half" as amended by this Committee, and inserting in lieu thereof the word "two."

And, as so amended, recommend same be concurred in.

Very respectfully.

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 26, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee of the Whole to whom was referred business on general file, report and recommend as follows:

That House Bill No. 40 be amended in Section 6 by striking out in line 3 of the printed bill the words "one year" and inserting in lieu thereof the words "Eighteen months." Also amend in Section 6 by striking out in line 10 the figure "8" and inserting in lieu thereof the figure "9."

And that same be concurred in as amended.

Very respectfully.

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 26, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following is a report of the Standing Committees reports adopted:

Committee on Public Morals: House Bill No. 324, introduced by Committee on Public Morals, recommend that same be concurred in.

Committee on Compensation: House Bill No. 119, introduced by Loble, recommend that same be concurred in.

Committee on Finance and Claims: House Bill No. 215, introduced by Ways and Means Committee, recommend the same be concurred in.

Committee on Finance and Claims: House Bill No. 367, introduced by Caplis, recommend the same be concurred in.

Committee on Finance and Claims: House Bill No. 171, introduced by Mushbach, recommend the same be concurred in.

Committee on Finance and Claims: House Bill No. 309, introduced by Fulsher, recommend the same be concurred in.

Very respectfully.

J. F. CONE, Secretary of the Senate."

"February 26, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Standing Committee reports were this day read and adopted:

Committee on Finance and Claims: Substitute for House Bill No. 107, introduced by Committee on Judiciary, recommend that the same be referred to the Committee on Sanitary Affairs.

Committee on Banks and Banking: Substitute for House Bill No. 138, introduced by Committee on Banks and Banking, Amend as follows:

By striking out in line 3, page 1, the figures "6059" By adding the word "and" after "6109h" in line 8, page 1, and by striking out in lines 8 and 9 "6109j, 6109k and 6109l."

By striking out in line 30, page 1, the words "to the amount specified and any additions thereto" and inserting in lieu thereof the word "when."

By striking out on page 2, line 5, the words "business clearance."

By striking out on page 2, line 14, the words "Dividend period" and inserting in lieu thereof the words "one year."

By striking out in line 18 on page 2 the words "within thirty days" and inserting in lieu thereof the words "when demanded."

In line 24, page 2, add after the word "consolidate" the word "and."

In line 24, page 2, strike out after the word "merge" the words "and transfer."

By striking out on page 2, lines 29, 30, and 31.

By striking out in line 2, page 3, the word "employed" and adding after the word "capital" the words "surplus, and undivided profits are."



By striking out on Page 3 lines 5, 6, 7, 8 and 9.

By striking out all of Section 2 of the Act.

On page 3, line 27, by striking out the word and figure "Section 3" and inserting in lieu thereof the word and figure "Section 2."

By striking out in line 30 on Page 3, the words "on loan" and inserting in lieu thereof the words "of loans."

By striking out in line 19, Page 4, the words "Provided, that when after the passage of this" and all of lines 20, 21, 22 and 23.

In line 24, Page 4, by striking out word and figure "Section 4" and inserting in lieu thereof the word and figure "Section 3"

By striking out in line 27, page 4, the words "or impaired."

By striking out in line 28, page 4, the words "Or in any impaired condition."

By striking out in line 8, page 5, the words "impairment or."

By striking out in line 11, page 5, the words "impairment or."

By striking out in line 12, page 5, the words "or removed."

By striking out in line 23, Page 5, the word and figure "Section 5" and inserting in lieu thereof the word and figure "Section 4."

By striking out in line 1, Page 6, the words "charge off bad debts and otherwise keep."

By striking out all of lines 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 on page 6.

By striking from line 21, page 6, the word "Stockholders."

By adding after the word "of" in line 22, Page 6, the words "a majority of."

By striking out in line 22, page 6, after the word "directors" the words "or stockholders."

By striking out all of Sub-section 6109d on Page 6.

By striking out all of Sub-section 6109e on Pages 6, 7, and 8, and inserting in lieu thereof the following:

"Section 6109d. ASSESSMENT ON CAPITAL STOCK TO MAKE GOOD IMPAIRMENT. (1) Whenever the Superintendent of Banks shall determine that an impairment of capital exists in any bank, and his decision shall be concurred in by the Governor and the Attorney General, he shall notify the Board of Directors of such bank by written notice that such impairment exists, stating the amount thereof in dollars and percentage of the capital stock thereof, and order such Board to make good such impairment within ninety days from date of such notice.

The Board of Directors shall upon receipt of notice convene and pass a resolution reciting the receipt of such notice of impairment and calling a special meeting of the stockholders of the bank for a day certain in the manner provided in their by-laws. The Superintendent of Banks shall also forward by registered mail a similar notice to each stockholder of record of such bank.

The stockholders, when assembled as herein provided, shall pass a resolution reciting the facts of receipt of notice from the Superintendent, notice of impairment and notice of meeting, and assessing themselves by assessing the stock of record, payment of which assessment must be made within the time limit specified by the Superintendent of Banks as provided in notice of impairment.

If there be any stock remaining on which the assessment is not paid as hereinabove provided, the same or such part thereof as is necessary to pay the assessment shall be sold by the Board of Directors acting through the cashier or Secretary thereof, at public or private sale as appears best for all concerned, on a day certain, not less than thirty days after the day fixed for payment of assessment hereinabove provided, notice of time and place of which sale shall be given by registered mail to the stockholders by the Board through its Cashier or Secretary at least ten days prior to the date thereof and such sale of stock as herein provided for shall effect an absolute cancellation of the outstanding certificate or certificates evidencing the stock so sold, and shall make the same null and void in the hands of the stockholder, his assigns or pledges, and the new certificate shall be issued by the bank to the purchaser thereof, for the number of shares purchased, and a new certificate issued to the stockholder of record and delivered to him or any pledges or assignee thereof for the remaining shares, if any, and the record of the original certificate sold shall be marked cancelled on the books of the bank and such record thereof

shall be prima facie evidence of the regularity of the proceedings for the sale of said stock.

(2) If the said stock does not sell for sufficient to pay the assessment thereon, the Board of Directors may proceed by suit in the name of the corporation to collect the deficiency from the record holder, whose stock has been thus sold for the assessment."

By striking out all of Sub-section 6109f on page 8 and 9, and inserting in lieu thereof the following:

"Section 6109e. VOLUNTARY LIQUIDATION. A bank may go into voluntary liquidation and be closed by a vote of its stockholders owning two-thirds of its stock of record voted at a special meeting called for that purpose. When a vote to go into voluntary liquidation is so taken, the Board of Directors shall cause notice of such fact to be certified under seal of the bank, by its president or vice president and secretary, treasurer or cashier, to the Superintendent of Banks, together with certified copies of all proceedings had by directors and stockholders of such bank, which such stockholders' proceedings shall set forth that stockholders owning at least two-thirds of the capital stock voted in favor of placing the bank in liquidation and shall also set forth the reason for placing the bank in liquidation. Such bank shall make a report to the Superintendent of Banks, at least once each sixty days from and after the date when the bank ceased to transact business as such, which report shall give a list of assets wholly or partially realized upon, together with the amount of each so remaining uncollected, and also a list of the liabilities retired by application of such amount so realized. The Superintendent of Banks shall have power to examine into the affairs of the banks so liquidated, at any time to determine whether the rights of creditors and depositors are being protected, and if at any time he finds that such liquidation is being improperly conducted, or that the interests of the depositors and creditors are not being properly protected, he may upon the order of the Governor and Attorney General as in other cases, forthwith take possession of the property and business of such bank and complete the liquidation thereof in the same manner as is provided in case of involuntary liquidation. The expenses of such examination shall be paid by such bank. Such bank shall immediately publish a notice in a newspaper published in the place in which such bank is located, and if none is there published, then in the place nearest thereto, that it is closing up its affairs and notifying creditors to present their claims against the bank for payment. Such notice shall be published for four consecutive weeks."

By striking out in line 20, page 9, the figures and letter "6109g" and inserting in lieu thereof "6109f."

By striking out in line 20, page 9, the word "that."

By striking out in line 25, page 9, the word "affirmative."

By striking out in lines 30 and 31, page 9, the words "publication and."

By striking out in line 4, page 10, the word "that."

By striking out in line 5, page 10, the words "bank with which they have consolidated" and inserting in lieu thereof the words "surviving bank."

By striking out in line 6, page 10, the first word "and."

By striking out all of Sub-section 6109h.

By striking out all of Sub-section 6109i.

By striking out all of Sub-section 6109 (6109j) and inserting in lieu thereof the following:

"Section 6109g. "TAXES ON BANKS WHICH HAVE CEASED TO DO BUSINESS AS BANKS.

Whenever any bank ceases to do business as a bank no taxes shall be levied or collected in accordance with the laws governing the assessment of banks, but its property shall be assessed in accordance with the laws governing the assessment of similar property of private corporations."

By striking out all of Sub-section 6109k.

By striking out in line 2 on Page 12 "Section 6109l" and insertining in lieu thereof the words and figures "Section 6109h."

By striking out in line 4, page 12, the words "or execution, provided, however."



By striking out all of lines 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18, page 12.

By striking out in line 19, page 12, the word and figure "Section 6109m" and inserting in lieu thereof the word and figure "Section 6109i."

By striking out in lines 24 and 25, page 12, after the word "the" the words "number and."

By striking out in line 1, on page 13 the figure "6" and inserting in lieu thereof the figure "5."

By striking out in line 3 on page 13 the figure "7" and inserting in lieu thereof the figure "6."

And as so amended that the bill be concurred in.

Committee on Irrigation and Water Rights: House Bill No. 113, introduced by Tierney; recommend that same be concurred in.

Committee on Irrigation and Water Rights: House Bill No. 176 introduced by Perrine and Buttleman;

1. In section 1, by striking out the "period" in line 43 thereof, and inserting in lieu thereof a "semi-colon" and the following language, "and provided, further, that submission to and report by the irrigation district bond commission shall be had only in the matter of the issuance of bonds for construction purposes or for acquisition of construction works, in whole or in part."

2. By striking out the "period" at the end of line 75 in Section 2, and inserting in lieu thereof a "semi-colon," and inserting the following language after such "semi-colon," "and provided, further, that submission to and report by the irrigation bond commission shall be had only in the matter of the issuance of bonds for construction purposes for acquisition of construction works, in whole or in part."

3. By striking out in Section 3, line 7, the following words "or for any purpose for which bonds may be issued."

4. By inserting after the "comma" following the figures "1909" in line 40 of Section 4 the following words "issued for construction purposes, or for acquisition of construction works, in whole or in part."

5. By striking out the word "and" in line 21, subdivision (b) Section 4 of the original bill on page 9 thereof and inserting in lieu of the word "and" so stricken out, and word "or."

6. By inserting as a new subdivision to be designated "subdivision (d) of Section 4" containing the following: "none of the provisions of this act shall in anywise affect, disturb, or interfere with contracts now or hereafter executed by and between districts organized under Chapter 146, Laws 1909, as amended, and the United States reclamation service, and such contract districts shall be exempt from the operations hereof and report same without recommendation.

Committee on Roads and Highways: Substitute for House Bill No. 257, introduced by Committee on Highways, that same be concurred in.

Committee on Roads and Highways: House Bill No. 84, introduced by Committee on Roads and Highways, recommend same do pass with the following amendments:

Section 3, line 2, page 2, by striking out the words "and regulate."

Section 3, line 3, page 2, by striking out the words, "to fix reasonable" and to substitute the words "on complaint to inquire into the."

Section 3, line 3, page 2, by adding after the word "company" the word "and."

Section 3, line 4, page 2, by striking out the words, "Rules and regulation for the governing of all such transportation companies" and adding after the word "prescribe" the words, "in each case so brought before said commission an equitable rate, fare, or charge."

Section 3, line 5, page 2, by striking out the words, "to prescribe and regulate."

Section 3, line 6, page 2, by striking out the word "accounts."

Section 3, line 9, page 2, by striking out all of said section after the word "Act" to and including the word "but" in line 21, page 2 of said section.

Section 3, line 23, page 2, by adding the words "Nothing in this act shall empower the Railroad Commissioners of Montana to restrict the operation of such transportation company or companies, as have complied with the provisions of this act, in the use of the public highways."



Section 4, line 12, page 3, by striking out all of the balance of Section 4 after the word "terminals" and substituting the following: "but said commission shall have the power after hearing when the applicant requests certificate to operate in a territory already served by a certificate holder or licensee, under this act, only when the existing auto transportation company or companies serving such territory, route or stage line, does not provide adequate transportation facilities and service to the satisfaction of the commission, and in all other cases with or without hearing, to issue said certificate as prayed for, or for good cause shown to refuse to issue same or to issue it for the partial exercise only of the said privilege sought, and may attach to the exercise of the rights granted by said certificate such terms and condition as in its judgment the public convenience and necessity may require."

Section 7, line 5, page 3, by striking out the words "Lewis and Clark" and substituting the word "any," and by adding after the word "county" the word "in."

House Bill No. 69:

Amend title of the bill by omitting the words and figure "Subdivision Eight (8) of."

Amend Section 1 by omitting words and figure "Subdivision 8 of" in line 1 of the printed bill. Amend Section 1 by inserting after words "to read as follows" in line 2 of the printed bill, the following:

"Section 1015. Every school board unless otherwise specially provided by law shall have power and it shall be its duty:

1. To prescribe and enforce rules not inconsistent with law, or those prescribed by the superintendent of public instruction of their own government of schools under their supervision.

2. To employ and discharge teachers, mechanics, or laborers, and to fix and order paid their wages; provided, that no teacher shall be employed except under resolution agreed to by the majority of the board of trustees at a special or regular meeting; not unless such teacher be the holder of a legal teacher's certificate in full force and effect. All contracts of employment of teachers, authorized by proper resolution of a board of trustees, shall be in writing and executed in duplicate by the chairman and clerk of the board, for the district and by the teacher.

3. To determine the rate of tuition of non-resident pupils.

4. To fix the compensation of the clerk.

5. To enforce the rules and regulations of the superintendent of public instruction for the government of schools, pupils, and teachers and to enforce the course of study.

6. To provide for school furniture and for everything needed in the school house or for the use of the school board.

7. To rent, repair and insure school houses.

Amend by omitting words and figures "Section 1015 Subdivision" in line 3 of the printed bill.

Amend by inserting after words "purpose of such election" in line 14 of the printed bill the following:

9. To hold in trust for their district all real or personal property for the benefit of the school thereof.

10. To suspend or expel pupils from school who refuse to obey the rules thereof, and to exclude from school, children under six years of age where the interest of the school requires such exclusion.

11. To provide clothing and medical aid for indigent children when it shall be made to appear that such aid is needed: and to employ a physician to make an examination into the sanitary conditions of the school and the general health conditions of each pupil, and to make a full detailed report to the board of trustees. The clerk of the district shall furnish immediately to each parent or guardian a copy of such portion of the above mentioned report as pertains to his child or ward.

12. To require pupils to be furnished with suitable books as a condition of membership in school.

13. To exclude from school and school libraries all books, tracts, papers and other publications of immoral and pernicious nature.

14. To require teachers to conform to the law.

15. To make an annual report, as required by law, to the county superintendent on or before the first day of August each year, in the manner and form and on the blanks prescribed and furnished by the superintendent of public instruction.

16. To make a report directly to the superintendent of public instruction whenever instructed by him to do so.

17. To determine what branches, if any, in addition to those required by law, shall be taught in any school in the district, subject to the approval of the county superintendent, in districts of the third class.

18. To visit every school in their district at least once in each term, and to examine carefully into its management, conditions and needs. This clause applies to each of the trustees.

19. To provide separate privies or outhouses for the use of the sexes at all school houses, where the same do not exist, and to see that the same are kept in good repair, and in clean condition. Such privies or outhouses must be located and built in such manner as to secure privacy. In all cases where there is no fence dividing the playgrounds of the sexes, the privies or outhouses herein named shall be separate and distinct buildings, and situated at least twenty feet apart, and to require that all teachers and janitors use due care in keeping all toilets in good repair and in clean condition and free from obscenity; provided that any trustee or trustees, teacher, janitor, or janitors, failing to comply with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding one hundred dollars, or imprisoned in the county jail not exceeding ninety days, or both such fine and imprisonment in the discretion of the court.

20. To allow pupils residing in other districts to attend school in the district of which they have charge, if in their judgment there is sufficient room.

21. To procure by purchase or donation, and to cause to be displayed daily in suitable weather, an American flag, with accompanying necessary fixtures, for each and every school house in their respective districts. Said flags shall be of dimensions not less than four by six feet, and shall be made from durable material. The school trustees are hereby authorized and empowered to use such portion of the school funds as remain in their hands, and which is not otherwise appropriated, for the purchase and erections of fixtures.

22. To close a school at their discretion during the annual session of the State Teachers' association, and to allow teachers to attend the same without loss of salary.

And as so amended, recommend that the bill be concurred in.

Very respectfully.

J. F. CONE, Secretary of the Senate."

#### OTHER COMMUNICATIONS.

A petition from sundry citizens of Billings regarding the proposed Buck law was read.

#### REPORTS OF SELECT COMMITTEES.

Pursuant to order of the House made on the fifty-fifth legislative day, the motions to adopt the majority and minority reports of the investigating committee appointed under the Loble resolution were now under consideration.

The question arising on the substitute motion to adopt the minority report, which motion was made Saturday, and roll call having been demanded by Loble, duly seconded, the minority report was adopted by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Bosley, Burke, Buttelman, Cady, Caplis, Carlson (McCone), Cavanaugh, Clarke, Davis (Fergus), Dean, Dell, Duffy, English, Fulsher, Goodman, Hamilton, Joffray, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kinville, Loble, McCarty, McLeod, Maury, Murphy, Mushbach, Nelson, O'Connell, Oker, Ridle, Roscow, Stoddard, Strange, Terrett, Tierney, Zuck. Total—45.

Noes: Bernard, Bohling, Boorman, Brandjord, Bray, Bricker, Buchanan, Davis (Wibaux), Denny, Facey, Flynn, Gullidge, Hanson, Harris, Hawley, Kenyon, Larson (Richland), Larsen (Sheridan), Leavens, Lemmon, McAfee, McCor-

mack, Myrick, Ostby, Peden, Perrine, Pilgeram, Rasmussen, Rodgers, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoner, Taylor, Tawney, Troy, Wold, Mr. Speaker. Total—42.

Absent and not voting: Buell, Carlson (Gallatin), Cowley, Cronk, Elliott, Gillette, Gillin, Hoffman, Holton, Johnson, Lease, Pope, Swift. Total—13.

Mr. Speaker gave notice that he was about to sign House Bills Nos. 271, 268, 255, 240, 227, 166, 157, 147, H. R. No. 3, respectively, and thereupon signed the same.

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received:

“Mr. Speaker:

We, your Committee on Agriculture, having had under consideration S. B. No. 53, introduced by Lowe: “A Bill for an Act entitled: ‘An Act requiring certain sleighs used in this State by any persons, firms or corporations to be of certain width; and providing a penalty for violating the provisions of this act,’” respectfully report as follows:

That S. B. No. 53, be amended by striking out in Section 1, line 1, the figures “1925” and inserting in lieu thereof the figures “1924.”

Amend Section 1, line 15, by striking out the word “said” and inserting in lieu thereof the words and figures “January 1st, 1928.”

Amend Section 1, line 17, by striking out the word “such” and as so amended recommend that the same be concurred in.

McCORMACK, Chairman.”

On motion of Larsen of Sheridan, report adopted.

“Mr. Speaker:

We, your Committee on Appropriations, having had had under consideration H. B. No. 391, introduced by Appropriations Committee: “An Act appropriating money for the operation of the Montana State fair for the period beginning July 1st, 1923, and ending June 30th, 1925, Revised Codes of Montana of 1921, relating to income and earnings of the Montana State fair, providing that such income and earnings shall be turned into the State general fund,” respectfully report as follows:

That H. B. No. 391, do pass.

BUELL, Chairman.”

On motion of Hawley, report adopted.

“Mr. Speaker:

We, your Committee on Appropriations, having had under consideration H. B. No. 393, introduced by Appropriations Committee: “An Act appropriating money to reimburse James L. Stillwell for moneys expended and loss sustained in defense of titles to certain lands purchased from the State Board of Land Commissioners upon which he was subsequently contested,” respectfully report as follows:

That H. B. No. 393, do pass.

BUELL, Chairman.”

On motion of Hawley, report adopted.

“Mr. Speaker:

We, your Committee on Affairs of Cities, having had under consideration H. B. No. 75, introduced by Sandy: “A Bill for an Act entitled: ‘An Act to amend Subdivision 1 of Section 5030 of the Revised Codes of Montana, 1921, relating to the powers of mayors,’” respectfully report as follows:

That H. B. No. 75, the committee recommend that the Senate amendments be not concurred in.

LEASE, Chairman.”

On motion of Bricker, report adopted.

Mr. Speaker gave notice that he was about to sign Senate Bills Nos. 210, 101, 182, S. J. M. No. 6, S. J. M. No. 3, Senate Bills Nos. 98, 126, 132, 63, 81, 74, and S. J. M. No. 5, respectively, and thereupon signed same.

The following majority and minority reports of the Committee on Judiciary were received:



"Mr. Speaker:

We, a majority of your Committee on Judiciary, having had under consideration S. B. No. 43, by Siegfriedt, entitled: "An Act relating to the rights and disabilities of aliens with respect to lands, providing for forfeitures in certain cases, prescribing penalties, and repealing Section 7088 of the Revised Codes of 1921, and all laws in conflict herewith," respectfully report as follows:

That S. B. No. 43, be concurred in without amendment.

POPE.  
ENGLISH.  
DENNY.  
ROSCOW.  
RUFFCORN.  
SMITH.  
TAWNEY.  
ARNOLD.  
KENYON.  
MYRICK."

"Mr. Speaker:

We, a minority of your Committee on Judiciary, having had under consideration S. B. No. 43, by Siegfriedt, entitled: "An Act relating to the rights and disabilities of aliens with respect to lands, providing for forfeitures in certain cases, prescribing penalties, and repealing Section 7088 of the Revised Codes of 1921, and all laws in conflict herewith," respectfully report as follows:

That S. B. No. 43, be amended as follows: Amend Section 1, sub-division b, by striking out in line 26 the word "ten" and insert in lieu thereof the word "five," after the words "ten years," in line 26, strike out the following, "for a purpose for which an alien is accorded the use of land by a treaty between the United States and the country whereof he is a citizen," strike out in sub-division (d) in line 2, the following: "to or the right to any benefit of;" strike out all of sub-division (k). Amend Section 5, by inserting after the word "land," in line 11, the following: "otherwise than by lease for a period of not longer than five years."

And that when so amended the bill be concurred in.

RODGERS,  
SCHARNIKOW,  
LEAVENS,  
GOODMAN."

Moved by Kenyon, duly seconded, that the majority report be adopted.

Moved by Rodgers, as a substitute, duly seconded, that the minority report be adopted. Motion failed.

Question arising on motion to adopt the majority report, same carried.

"Mr. Speaker:

We, your Committee on Revenue and Taxation, having had under consideration S. B. No. 209: "A Bill for an Act entitled: 'An Act fixing the salaries of State officers, State and district judicial officers, and repealing all acts in conflict therewith,'" respectfully report as follows:

That S. B. No. 209, be not concurred in.

SWIFT, Chairman."

On motion of Swift, report adopted.

"Mr. Speaker:

We, your Committee on Revenue and Taxation, having had under consideration S. B. No. 45: "A Bill for an Act entitled: 'An Act to govern the State Purchasing Department and prescribing the duties of the State Purchasing Agent with reference to the purchase of supplies for the various offices, boards, departments and institutions of the State of Montana; prescribing the manner in which said supplies shall be purchased and setting forth the duties of the State Purchasing Agent with reference thereto; and providing for the compiling of records in the office of the State Purchasing Agent and providing punishment for the violations of any of the provisions of this act,'" respectfully report as follows:

That S. B. No. 45, amend Section 1, so as to read as follows:

Section 1. All persons in charge of any state property, must, upon request of the State Purchasing Agent, furnish him with a sworn statement of all personal property in his possession or under his charge belonging to the State of Montana, together with an estimate of the value thereof, and must also furnish such other information in connection therewith, as the State Purchasing Agent shall require.

Amend Section 2, so as to read as follows:

Section 2. From the report so made to the State Purchasing Agent, he must on or before June 30th, 1923, prepare a complete inventory for each State department, office, board, commission and institution, of all personal property belonging to the State of Montana, in charge or possession of such department, office, board, commission and institution, each such inventory to show in detail the estimated value of the items embraced therein, and each state department, office, board, commission and institution must be charged with all items of personal property and all other personal property thereafter placed at the disposal of any such State department, office, board, commission and institution, and shall be credited with all worn out, used, lost, injured or destroyed property from time to time, as may be reported to the State Purchasing Agent, and shall be held responsible for all items of personal property not accounted for.

Amend Section 3, so as to read as follows:

Section 3. By striking out the word "department" and insert in lieu thereof the word "agent."

Amend Section 4. By striking out in line 2 the words "State Board of Examiners" and insert in lieu thereof the word "Governor."

Amend Section 4. In lines 2 and 3, on page 3, by striking out the words, "And also to furnish, repair, and maintain the executive residence of the Governor."

Amend Section 5. Unless otherwise provided by law, the State Purchasing Agent shall have exclusive power, subject to the consent and approval of the Governor, to let to the lowest bidders and enter into contracts with the lowest bidders, for the furnishing of all supplies, stationery, paper, fuel, water, lights and other articles required by the Legislative Assembly and all other offices, departments, boards, commissions and institutions of the State.

Before any such contract is let, the State Purchasing Agent must advertise in such manner and for such time as in this act provided for, sealed proposals for all such supplies or services mentioned in this section.

Amend Section 6. By striking out in line 3, the words "State Board of Examiners" and insert in lieu thereof the word "Governor."

Amend Section 6. By adding thereto the following words: "Unless otherwise provided by law, the State Purchasing Agent in letting contracts as provided in this act, for the printing, binding and publishing of all laws, journals and reports of the various offices, departments, boards, commissions and institutions of the State, shall have the power to determine the quantity, quality, style and grade of all such printing, binding and publishing. Provided, that all reports for any fiscal year required by law to be published, must be submitted to the Governor before November 1st, of each year for approval, correction or modification, and when by the Governor approved, as corrected or modified, must by him be certified to the State Purchasing Agent for publication, provided, the Governor may require all such reports or any number of them, to be published in one volume such publications to be completed on or before the tenth day of January thereafter. And provided further, any such reports so published, in one volume may also be separately published in pamphlet form, in such number as may be directed by the Governor.

Amend Section 7. By striking out in lines 16 and 17 the words "Fiscal Year" and substitute in lieu thereof the word "quarter."

Amend Section 7. In line 23, by striking out the words "State Board of Examiners" and insert in lieu thereof the word "Governor."

Amend Section 7. By striking out of line 18 the words "All proposals must be accompanied by" and insert in lieu thereof the words "With any proposal the State Purchasing Agent may require."

Amend Section 7. By adding the following words: "The State officers, superintendent, commissioners, departments or institutions, shall have the au-

thority to purchase any supplies or material, except on approval of the State Purchasing agent.

Add Section 14. All acts and parts of acts in conflict herewith are hereby repealed.

Add Section 15. This Act shall take effect from and after its passage and approval.

And as so amended, S. B. No. 45, be concurred in.

SWIFT, Chairman."

On motion of Swift, report adopted.

"Mr. Speaker:

We, your Committee on Corporations Other Than Municipal, having had under consideration S. B. No. 158, by Hazelbaker: "A Bill for an Act entitled: 'An Act to provide for the letting of contracts for public printing, fixing the prices therefor, providing for an undertaking for the faithful performance of such contracts, providing a penalty for the violation of this act, and repealing Section 4482 of the Revised Codes of Montana 1921,' " respectfully report as follows:

That S. B. No. 158, be amended as follows:

Amend Section 3, by adding to the said section, after the word "years" in line 15, the words "When any dispute arises between the contractor and Board of County Commissioners as to prices charged or classification or work under the contract, the claim shall be submitted to the State Board of Examiners for correction before such claim is paid."

And by amending Section 1, by inserting after the word "bidder" in line 8 the following, "Provided further that in any county in which there is only one newspaper published, the county commissioners may, in their discretion, advertise for and receive bids from newspapers of general circulation in the counties immediately adjoining such county, and may enter in a separate contract for the furnishing of printed supplies and blank books."

And that as amended the same do pass.

HOLTON, Chairman."

On motion of Holton, report adopted.

"Mr. Speaker:

We, your Committee on Education, having had under consideration S. B. No. 199, introduced by Lowe: "A Bill for an Act entitled: 'An Act creating the Northern Montana State Normal, designating the method of its location and defining its purpose and making an appropriation of money to carry out this act,' " respectfully report as follows:

That S. B. No. 199 be concurred in.

BERRYMAN, Vice-Chairman."

Moved by Larsen of Sheridan, duly seconded that report be adopted.

Moved by Rodgers, as a substitute, duly seconded, that S. B. No. 199 be referred to the Committee on State Institutions, Buildings and Grounds. Substitute motion carried.

The hour of 12 o'clock having arrived, it was moved by Swift, duly seconded and carried, that a committee of three be appointed to inform the Senate that the House is ready to receive them in joint session.

Mr. Speaker appointed Lease, Leavens and Oker, as members of the committee.

A committee from the Senate announced that the Senate was ready to convene in joint session.

The members of the Senate appeared at the bar of the House and thereupon occupied seats with the members of the House.

#### JOINT ASSEMBLY.

The President of the Senate in the chair.

Upon roll call all members of the Senate were present and all members of the House were present, except: Gillin and Pope, absent; Gillette, excused.

The President of the Senate appointed Senators Harmon and Muffly, and Representatives Swift and Oker, as members of a committee to inform the Governor that the joint assembly had convened and was awaiting his pleasure.



His Excellency, Governor Joseph M. Dixon, then appeared, was escorted to the Chief Clerk's desk, was introduced by the President of the Senate and delivered his message to the members of the House and Senate.

### GOVERNOR'S MESSAGE.

Members of the Eighteenth Legislative Assembly:

At the beginning of the present legislative session, in obedience to the constitutional revision that directs the Governor to "give to the Legislative Assembly information of the condition of the State and recommend such measures as he shall deem expedient" for remedying the same, I then pointed out the alarming condition of the State finances, as set forth in the report to me by the State Treasurer, showing that the State government ran behind for the year 1918, \$987,405. That during the year 1920 the State government ran behind \$1,982,194. That the deficit for the operation of the State government for the three-year period, January 1, 1918, to January 1, 1921, amounted to the sum of \$2,902,876. That for the two-year period, January 1, 1921, to January 1, 1923, the increased deficit amounted to the sum of \$671,835.

In my message at the beginning of the session I also called your attention to the further fact that the net assessment of property for taxation had decreased from \$589,304,187 in 1918 to \$465,200,282 in 1922.

It is hardly necessary for me now to suggest that the steady decrease in the cash value of farm lands throughout Montana will show a further decrease in the net assessment for the present year.

On yesterday I received the following official communication from the State Treasurer:

"Feb. 26, 1923.

Hon. Jos. M. Dixon, Governor of the State of Montana, Helena, Montana.

My Dear Governor: In response to your inquiry concerning the condition of the State's finances as of the above date, I beg leave to report as follows:

The amount of the outstanding Registered General Fund Warrants today totals \$2,953,572.23. The revenues credits to the general fund for the year ending June 30, 1922, amounted to \$2,949,990. Bills pending before the present session of the legislature have taken from the general fund all moneys heretofore received from the inheritance tax and gasoline tax, amounting to \$205,310.32. Deducting this from the receipts of the last fiscal year, we may expect to receive for the general fund for the coming fiscal year, June 30, 1923, to June 30, 1924, not more than \$2,740,680. There is no reason to believe that valuations in the State will increase very materially during the coming year, so that we may expect the general fund will not be increased.

The total expenses chargeable to the general fund for the past fiscal year amounted to \$3,545,886.14. I understand that pending appropriations for the next fiscal year aggregate a total of about \$4,000,000. If these appropriations are made they will exceed the estimated revenue about \$1,250,000.

Respectfully submitted,

O. H. JUNOD, Treasurer of the State of Montana."

The Montana Constitution in Section 2, of Article 12, contains the prohibition that the Legislative Assembly shall not create a debt or liability in excess of the sum of \$100,000.

Section 12 of Article 12, of the State Constitution prohibits the Legislative Assembly from making appropriations in excess of the yearly revenues in the following specific language:

"No appropriation shall be made nor any expenditures authorized by the Legislative Assembly whereby the expenditures of the State during any fiscal year shall exceed the total tax then provided for by law and applicable to such appropriation or expenditure, unless the Legislative Assembly making such appropriation shall provide for levying a sufficient tax, not exceeding the rate allowed in Section nine (9) of this article, to pay such appropriations or expenditures within such fiscal year."

Section 9, as referred to, expressly limits the State levy for taxation to two mills, which, with the additional one and one-half mills provided for in the

laws initiated by the people themselves in 1920 for the maintenance of the greater university limits the total levy that you can make to three and one-half mills.

Yet despite these repeated warnings of impending disaster and in direct contravention of the constitutional provisions prohibiting appropriations in excess of the current revenues, the tentative appropriation bills now call for one and a quarter million dollars in excess of any possible revenue for the coming fiscal year, and also an additional one and one-quarter million dollars of appropriations for the fiscal year succeeding.

In other words, this means that you will have increased the floating interest bearing warrant indebtedness of Montana by January 1, 1925, to over five million dollars.

Under the tentative appropriation bills now pending, the four educational institutions comprising the University of Montana—the Agricultural College, the State University, the Normal School and the School of Mines—run a grave risk of not receiving the full quota of appropriations to which they are unquestionably entitled under the initiated law of 1920.

While the legislature must reappropriate the money paid under the one and one-half mill levy for these institutions, it is in the very nature of a sacred trust and cannot, at least under the moral law, be intermingled with ordinary revenue.

Based on the \$468,000,000 net assessment of last year, this should yield for these four institutions about \$700,000, which, added to the \$400,000 income from their land grant funds, would give these four institutions a joint revenue of \$1,100,000 for the coming year in actual cash in lieu of the theoretical appropriation of \$1,400,000 on paper, which, prorated to the actual income of the State for the coming year, will yield a far less amount. In justice to these four educational institutions, I believe the proceeds from this one and one-half mills should not be intermingled with the general revenues of the State.

Under the constitution and the statutes you hold the purse strings to the State's treasury, I do not. The Legislative Assembly alone can create and increase the State indebtedness.

Upon you now rests the sole responsibility of determining whether or not a deaf ear shall be turned to the cry for relief from increased public indebtedness coming from the people of this State.

I know of no legerdemain of finance whereby executive officers can coin dollars out of thin air, even under the direction of legislative appropriation bills made against an empty State treasury.

Every legislative appropriation bill for carrying on the work of the State government since and including the year 1918 has exceeded the yearly revenue of the State.

During these five years appropriations have been made by the legislatures in excess of the receipts, until now the overdraft approximates three million dollars. The present program now contemplates a further increase of the State indebtedness of more than two million dollars.

The present assembly has already passed a most drastic measure, imposing severe penalties on city and county officials for spending in excess of the current city and county revenues, and yet calmly proceeds towards appropriating more than two million dollars in excess of the State revenues for the coming biennium.

It is my belief that most of you may not yet realize the full extent of the danger.

For months, I have tried to the best of my humble ability in public address and private speech and in official messages to you to point out the danger confronting us. Knowing these things, I cannot again forbear pointing out the fact that appropriations now made in excess of the revenues of the State are unconstitutional.

We have now reached the place where we can go no further. Temporarily much inconvenience and some hardship will result, but we cannot go on indefinitely appropriating money and at the same time deliberately refuse to provide the revenues to meet the same appropriations.

Two years ago in my message to the Seventeenth Legislative Assembly and again at the beginning of the present session, in view of the hopeless condition of the State's revenues to meet the legislative appropriations for the State institutions, I recommended the enactment of various revenue measures to lift some of the burdens of government from the homes and farms and business of the State by transferring them to other forms of wealth that are and have been escaping their equitable share of the burden.

In the hope of preventing a breakdown in carrying on the necessary work of the State institutions, at the beginning of the present session I recommended to you for enactment three revenue measures that I believe would have carried us over the present emergency.

The one per cent gross license tax, on metalliferous mines was estimated to yield about \$400,000. The two per cent license tax on hydro-electric power companies was estimated to yield about \$140,000. The three per cent gross license tax on crude oil production was estimated to yield about \$300,000.

With these additional revenues I believed that with the strictest economy your State institutions could have functioned during the period intervening between the adjournment of this legislative session and the convening of the legislature two years hence. But a powerful legislative lobby congregated here during the last 60 days representing a tremendous aggregation of wealth in copper, oil and hydro-electric power, has brought every pressure to bear to defeat the attempt to compel these non-resident owners of Montana's natural resources to bear the same proportion of the burdens of government that we, who live in Montana, are compelled to carry.

During these strenuous days of pressure by these representatives of special interests, the people of Montana have had no lobby to speak or plead for them.

It is true that the people of the State have reserved to themselves the reserved legislative power to initiate revenue measures to enable them to carry on their State institutions, without doing violence to their constitutional provisions. While I apprehend they will probably be compelled to take this action in order to protect their State institutions, still under this procedure, as laid down in our constitution, no relief can come for at least two years.

The immediate question that now confronts us is how to save the State government and its necessary institutions from the impending catastrophe.

As Governor of the State, my powers to bring relief are exhausted when I have fulfilled the constitutional requirement to "give to the Legislative Assembly information as to the condition of the State and shall recommend such measures as shall deem expedient." This I have already done to the best of my ability.

My own suggestions as to how the State institutions might at least temporarily be saved from acute embarrassment have apparently not met with favor at the hands of a majority in both branches of the Legislative Assembly.

Section 1 of Article 12 of the State constitution says: "The necessary revenue for the support and maintenance of the state shall be provided by the Legislative Assembly."

Under these conditions I therefore have no other alternative than to now leave to your own initiative the ways and means for providing the necessary revenues for carrying out the trust temporarily placed in your hands by the people of Montana.

Upon completion of the Governor's message, it was moved by Senator Harmon, duly seconded and carried, that the joint assembly dissolve, and that the Senate retire from the hall of the House.

House resumed.

Mr. Speaker in the chair.

Moved by Gullidge, duly seconded and carried that the House recess until 2 p. m.

#### AFTERNOON SESSION.

House resumed at 2:20 p. m.

Mr. Speaker in the chair.



## REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received:

"Mr. Speaker:

We, your Joint Committee on Constitutional Amendments having had under consideration H. B. No. 39, introduced by Cowley: "A Bill for an Act entitled: 'An Act for the submission to the qualified electors of the State of Montana of an amendment to Section 13 of Article XII of the Constitution of the State of Montana, as amended; relating to the preparation, verification and filing of the quarterly report of the State Treasurer and eliminating that portion of said section which requires the publication of said report,'" respectfully report as follows:

That H. B. No. 39, be recommended for passage.

BAKER, Chairman."

On motion of Baker, report adopted.

"Mr. Speaker:

We, your Committee on Highways, having had under consideration H. B. No. 191, introduced by Bernard and Cady, being: "A Bill for an Act entitled: 'An Act to provide a license tax of two cents per gallon on distillate, gasoline, liberty fuel, and other liquids used, sold, distributed, manufactured, produced or compounded in the State of Montana for any purpose including the operation or propelling motor vehicles over or upon the highways and public roads, to provide for the collection thereof; to provide for certain exemptions, etc.," respectfully report as follows:

That H. B. No. 191, do not pass.

BERNARD, Chairman."

On motion of Cady, report adopted.

"Mr. Speaker:

We, your Committee on Highways, having had under consideration S. B. No. 69, introduced by Greenup: "A Bill for an Act entitled: 'An Act to amend Section 2394 of the Revised Codes of Montana of 1921, relating to the apportionment of the 'gasoline license tax fund,' and repealing Section 2393 of the Revised Codes of Montana of 1921,'" respectfully report as follows:

That S. B. No. 69 be referred back to the House with the recommendation that it do not be concurred in.

BERNARD, Chairman."

On motion of Cady, report adopted.

"Mr. Speaker:

We, your Committee on Judiciary, having had under consideration S. B. No. 194, by Leighton, entitled: "An Act providing for the propounding and prosecution of a claim by and in the name of the State of Montana against the government of the United States for the recovery under the present laws of the United States or such as may be hereafter enacted, from said government of all moneys heretofore paid illegally into the Federal treasury as a direct tax upon property situated in the State of Montana; providing for the recovery of same, authorizing the Board of Examiners of the State to employ counsel and enter into the necessary contracts and agreements for the carrying out of the object of this act; providing for notice to and procedure by claimants of such moneys and fixing a prescription period after which such moneys shall escheat to and become the absolute property of the State of Montana,'" respectfully report as follows:

That S. B. No. 194 be concurred in.

KENYON, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Labor, having had under consideration S. B. No. 80, introduced by Loy, being: "A Bill for an Act entitled: 'An Act to repeal Sections 3469, 3470, 3471 and 3477, Chapter 252 Revised Codes of Montana 1921, known as the 'coal mining code,' " respectfully report as follows:

That we recommend that S. B. No. 80, be concurred in.

STONER, Chairman."

On motion of Kenyon, report adopted.

"Mr. Speaker:

We, your Committee on Irrigation and Water Rights, having had under consideration S. B. No. 137, introduced by Cowan: "A Bill for an Act entitled: 'An Act amending Section 7184 of the Revised Codes of Montana, 1921, prescribing the qualifications of voters for all elections held under the provisions of Chapter 146, Laws of 1909,'" respectfully report as follows:

That S. B. No. 137 be reported back with the recommendation that the same be not concurred in.

PERRINE, Chairman."

On motion of Perrine, report adopted.

"Mr. Speaker:

We, your Committee on Irrigation and Water Rights, having had under consideration S. B. No. 144, introduced by Cowan: "A Bill for an Act entitled: 'An Act relating to irrigation districts organized under Chapter 153 Session Laws, 1921, and amending and re-enacting Sections 3956, 3960, 3965, 3968, 3969, 3970, 3973, 3974, 3975, 3990, 4014, of the Revised Codes of Montana, 1921, which relate to the procedure for organizing said irrigation districts, and examination and report of the public service commission thereon, the meeting of directors of said district and the election of officers of the board, providing for the formulation of the plan of reclamation of said districts and the final report of the public service commission thereon, and fixing the form and terms of the bonds of said districts and prescribing that the same, when certified by the public service commission, shall be legal investments, providing for the delivery of bonds of said districts to contractors in lieu of sale, or for sale of said bonds, fixing the time for payment of said bonds and prescribing the lien thereof, providing for the determination of the amount of the annual assessment for sinking fund and other purposes, providing for the determination of the annual administrative expenses and levy and collection thereof, fixing the limitations on the power of the directors to incur indebtedness, prescribing the method for the election of the directors of said district and for the organization of said directors as a board, and authorizing the State Land Board to sign petitions for the inclusion of State lands in irrigation districts, organized under this act and to pay assessments therefor out of any funds belonging to said board not otherwise appropriated,'" respectfully report as follows:

That S. B. No. 144, recommend that the same be concurred in.

PERRINE, Chairman."

On motion of Perrine, report adopted.

"Mr. Speaker:

We, your Committee on Irrigation and Water Rights, having had under consideration S. B. No. 124, introduced by Kane: "A Bill for an Act entitled: 'An Act relating to irrigation districts enacting a new section to be designated as Section 7189A of the Revised Codes of Montana of 1921, giving to the court continuing jurisdiction over proceedings for establishment of districts, for the inclusion or exclusion of lands therein or the change of the boundaries thereof with powers to make proper corrections and amendments of matters included in any order made in any such proceeding including description of lands and providing the procedure for the exercise of such powers; also enacting another new section to be designated as Section 7213A of the Revised Codes of Montana of 1921 providing a limitation against actions or proceedings allocating orders or decrees purporting to establish districts or correcting or amending any such order of decree validating districts heretofore established or attempted to be established by order of court and the acts and proceedings of such districts or their commissioners leading up to the authorization issuance or sale, or proposed issuance or sale of bonds as well as such bonds; also amending Sections 7190, 7191 and 7192 of the Revised Codes of Montana of 1921, relating to the determination of acreages in irrigation districts, and regulating the procedure thereof,'" respectfully report as follows:

That S. B. No. 124 be amended as follows:

Amend Section 2, page 5, line 28, after the word "same," by adding the following words: "provided, that nothing in this section contained shall be deemed or construed to confirm, approve or validate any warrant issued, or disburse-



ment made, or any contract entered into for the expenditure of money, by the board of commissioners on behalf of any district."

And as so amended the same be concurred in.

PERRINE, Chairman."

On motion of Perrine, report adopted.

"Mr. Speaker:

We your Committee on Irrigation and Water Rights having had under consideration H. B. No. 113, introduced by Hazelbaker: "A Bill for an Act entitled: 'An Act relating to irrigation districts and amending and re-enacting Sections 7166 7171, 7173, 7174, 7177, 7184, 7210, 7212, 7214, 7215, 7220, 7224, 7226, 7227 7228, 7229, 7230, 7234 and 7235 of the Revised Codes of Montana of 1921, which relate to the establishment, organization and government of irrigation districts; providing who may organize such districts and in what cases, and requirements therefor, and making regulations for the status, powers, duties, organization and place of meeting of the board of commissioners of such districts, vacancies in such board, and the salary and compensation of such commissioners and penalty for interest in contracts; for the qualification and designation of electors and the manner of voting by agents, co-owners and purchasers of land under contract of sale; concerning the purposes for which bonds of such districts may be issued, and the authorization, issuance, confirmation, details, record, negotiation, disposition, delivery and cancellation of such bonds, and the disposition of proceeds of sale thereof; for the refunding, redemption and payment of bonds and warrants of such districts, and the authorization, issuance, confirmation, details, record, negotiation, disposition, delivery and cancellation of refunding bonds of such districts, and the lien of such refunding bonds and of taxes and assessments levied to pay the same; also providing rules for apportionment of costs and the charging thereof to the lands, with express provisions for pumping costs; making regulations for assessments and the levy, adjustment, collection and cancellation of, and limitations upon, taxes and assessments, and the apportionment of such taxes and assessments according to the irrigable area of such districts; for the expenses of the State irrigation district bond commission and the expenditures by such districts of funds derived from bonds certified by such commission; and enacting two new sections to be designated as Sections 7235--A and 7235-B of said Revised Codes of Montana of 1921, also relating to such irrigation districts, providing for proceedings and for the determination of the irrigable area of such districts and the apportionment of the costs of any works or improvements to the lands in such districts and the confirmation of such proceedings by the district court and providing for the extent of the liens of taxes and assessments levied upon the lands in such districts and for the refund or cancellation of assessments upon excess acreage and limiting and defining the rights and privileges of owners of tracts of land containing no irrigable area and limiting the period within which the taxable acreage of any lands in said districts may be fixed and adjudicated," respectfully report as follows:

That S. B. No. 113, be amended as follows:

Amend Section 3, by adding at the end thereof, the following words:

"The commissioners of said irrigation district shall each furnish a bond in the penal sum of Ten Thousand Dollars (\$10,000.00) with corporate surety conditioned for the faithful performance of their duties under this act, and the secretary shall furnish bond, with corporate surety, in the sum of One Thousand Dollars (\$1,000.00), conditioned for the faithful performance of his duties pursuant to this act, and for the proper and safe keeping of the records and documents of said district, in all cases where the obligations of said district either existing or proposed, total Two Hundred Fifty Thousand Dollars (\$250,000.00) or over, in all other cases, the bond for said commissioners shall be in the sum of Twenty-five Hundred Dollars (\$2500.00)."

Amend Section 4, page 10, line 1, by inserting after the word "assessments" and before the word "as" the following words: "delinquent for not to exceed two years."

Amend Section 6, page 12, line 28, by striking out the word "shall" and inserting in lieu thereof the word "may."

Amend Section 6, page 13, lines 7 and 8, by striking out the words "at least a majority of."



Amend Section 7, page 15, by adding after line 19 the following paragraph:

"Provided, however, that none of the proceedings mentioned herein shall be had or accomplished, or in any wise initiated or prosecuted, until all and singular the matters relating to the issuance of bonds for the district shall first have been submitted to and favorably acted upon by the irrigation district bond commission, pursuant to the requirements of Sections 7216 as amended, 7217, 7218 as amended and Sections 7219 to 7225, inclusive, all of the Revised Codes, Montana, 1921; and provided further, that at any time ten per cent of the land owners in any district, either in acreage or numbers, shall have the right to petition the irrigation district bond commission to investigate, inquire into, and pass upon the legality, feasibility or advisability of any proposed bond issue for irrigation districts now or hereafter organized under the provisions of Chapter 146, Laws the legality, feasibility or advisability of any proposed bond issue for irrigation district bond commission shall complete and thoroughly report on all matter relevant and pertinent to said issue not later than six months after receipt of petition therefor, and said report shall be furnished in writing to petitioners."

Amend Section 10, page 19, line 2, by adding the following:

"Provided, in case any portion of the funds realized from the sale of bonds are not needed immediately for the purpose for which said bonds were issued, the board of commissioners whenever in its judgment, the same may be to the best interests of the district, shall have the power and authority to direct the investment of such funds, or any portion thereof, in interest bearing securities of the United States, or of the State of Montana, or in interest bearing certificates of deposit of national or state banks approved by the State Superintendent of Banks; provided, however, that in the event of such deposit said banks shall first furnish an indemnity bond to be approved by said board of commissioners and the State Superintendent of Banks. The county treasurer shall transfer to the credit of the district, and place to the credit of such fund or funds as the board of commissioners may direct, all interest received upon money or securities of the district intrusted to his care."

And as so amended the same be concurred in.

PERRINE, Chairman."

On motion of Perrine, report adopted.

"Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration S. B. No. 208, by Paul, Dowlin and Clark: "A Bill for an Act entitled: 'An Act directing the State Treasurer and State Auditor of Montana to open and maintain upon their respective books of accounts certain fund accounts for the recording of all transactions affecting moneys coming into the possession of the State Treasurer, and repealing all acts or parts of acts in conflict herewith,'" respectfully report as follows:

That S. B. No. 208, be concurred in.

ARNOLD, Chairman."

On motion of Arnold, report adopted.

"Mr. Speaker:

We, your Committee on Banks and Banking, having had under consideration S. B. No. 150: "A Bill for an Act entitled: 'An Act requiring a license and bond for solicitors or agents of building and loan associations; limiting fines which such associations may charge; requiring all moneys collected be accounted for to the association; requiring a definite procedure for making loans to officers: defining the methods by which foreign associations may do business in the State; and defining the duties of the State Examiner in relation to such provisions,'" respectfully report as follows:

That S. B. No. 150 be amended as follows:

Amend Section 3, by striking out after the word "whether" the word "fees."

And by adding to the section the following words: "Except that moneys received as fees may be used in the payment of commissions and expenses of agents."

And when so amended, recommend same be concurred in.

JOHNSON, Chairman."

Moved by Johnson, duly seconded, that report be adopted.

Moved by Boorman, duly seconded, that report be laid upon the table. Motion failed.

Question arising on the motion to adopt report, same carried.

"Mr. Speaker:

We, your Committee on Banks and Banking, having had under consideration S. B. No. 167, "A Bill for an Act entitled: 'An Act to provide for the payment of forfeited shares in building and loan associations,'" respectfully report as follows:

That S. B. No. 167, be concurred in.

JOHNSON, Chairman."

On motion of Johnson, report adopted.

Moved by Oker, duly seconded and carried, that House reconsider its action in adopting adverse report to Senate Bill No. 93.

Moved by Oker, duly seconded and carried, that the Senate be requested to return Senate Bill No. 93 to the House, and that it then be placed on General Orders.

### INTRODUCTION OF BILLS AND MEMORIALS.

The following bills were introduced, read first and second times and referred to committees as follows:

H. B. No. 394, by Appropriations Committee, "A Bill for an Act entitled: 'An Act to amend Section 3197, Chapter 227, Revised Codes of Montana of 1921, providing for the payment of cost of caring for and treating drug addicts by the various counties.'" (Committee on Appropriations.)

H. B. No. 395, by Appropriations Committee: "A Bill for an Act entitled: 'An Act appropriating money for the operation and maintenance of certain of the State institutions of the State of Montana for the period beginning July 1st, 1923, to June 30th, 1925.'" (Committee on Appropriations.)

H. B. No. 396, by Appropriations Committee: "A Bill for an Act entitled: 'An Act appropriating money for the payment of deficiency claims on account of feeding drug addicts becoming due during the year ending February 28th, 1923.'" (Committee on Appropriations.)

H. B. No. 397, by Appropriations Committee: "A Bill for an Act entitled: 'An Act appropriating money for the payment of deficiency claims on account of transporting prisoners becoming due during the year ending February 28th, 1923.'" (Committee on Appropriations.)

H. B. No. 398, by Appropriations Committee: "A Bill for an Act entitled: 'An Act appropriating money for the administration and other expenses of the State Highway Commission and for the maintenance and construction, supervision and inspection of State highways for the two years beginning July 1, 1923, and ending June 30, 1925.'" (Committee on Appropriations.)

### MOTIONS AND RESOLUTIONS.

Moved by McCarty, duly seconded, that the House reconsider its action in adopting the minority report of the committee appointed to investigate State prohibition enforcement forces.

Moved by Davis of Fergus, duly seconded that the motion be laid upon the table.

Boorman demanded a roll call, duly seconded.

Boorman demanded a call of the house, seconded by fifteen members.

Upon roll call all members present except: Berryman, Cowley, Gillette, Gilin and Pope.

Moved by Boorman, duly seconded and carried, that further action under call of the House be dispensed with.



The question then arising on the motion to table the motion to reconsider action in adopting minority report and roll call having been properly requested, motion to table failed, the vote on same being as follows:

Ayes: Andrew, Armstrong, Baker, Burke, Cady, Caplis, Cavanaugh, Davis (Fergus), Dean, English, Fulsher, Holton, Joffray Kelly (Pondera), Kelly (Silver Bow), Kinville, Loble, Maury, Murphy, Mushbach, Nelson, O'Connell, Oker, Ridle, Stoddard, Terrett, Troy. Total—27.

Noes: Andrus, Arnold, Benedict, Bergstrom, Bernard, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Buell, Buttelman, Carlson (Gallatin), Carlson (McCone), Clarke, Cronk, Davis (Wibaux), Dell, Denny, Duffy, Elliott, Facey, Flynn, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Johnson, Kennedy, Kenyon, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, McAfee, McCarty, McCormack, McLeod, Myrick, Ostby, Peden, Perrine, Pilgeram, Rasmussen, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoner, Strange, Swift, Taylor, Tawney, Tierney, Wold, Zuck, Mr. Speaker. Total—68.

Absent and not voting: Berryman, Cowley, Gillette, Gillin, Pope. Total—5.

The question then arose on the motion to reconsider, which motion carried.

Mr. Speaker ruled that this left the question before the House in its original form, namely, that a motion had been made to adopt the majority report, and a substitute motion had been made to adopt the minority report.

Loble asked for a roll call on motion to adopt minority report, which was duly seconded. The motion to adopt the minority report failed, the vote being as follows:

Ayes: Andrew, Armstrong, Benedict, Bosley, Burke, Buttelman, Cady, Caplis, Clarke, Davis (Fergus), Dean, Dell, Duffy, English, Fulsher, Goodman, Holton, Joffray, Kelly (Pondera), Kelly (Silver Bow), Kinville, Loble, Maury, Murphy, Mushbach, O'Connell, Oker, Ridle, Stoddard, Terrett, Troy. Total—31.

Noes: Andrus, Arnold, Baker, Bergstrom, Bernard, Bohling, Boorman, Brandjord, Bray, Bricker, Buchanan, Buell, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Cronk, Davis (Wibaux), Denny, Elliott, Facey, Flynn, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Johnson, Kennedy, Kenyon, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, McAfee, McCarty, McCormack, McLeod, Myrick, Nelson, Ostby, Peden, Perrine, Pilgeram, Rasmussen, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoner, Strange, Swift, Taylor, Tawney, Tierney, Wold, Zuck, Mr. Speaker. Total—64.

Absent and not voting: Berryman, Cowley, Gillette, Gillin, Pope. Total—5.

The question then arose on the motion to adopt the majority report.

Moved by Terrett, duly seconded, that the motion to adopt majority report be laid upon the table. Motion failed.

The question then again arose on the motion to adopt the majority report, and roll call having been demanded by Duffy, duly seconded, the motion carried by the following vote:

Ayes: Andrew, Andrus, Arnold, Baker, Benedict, Bergstrom, Bernard, Bohling, Boorman, Brandjord, Bray, Bricker, Buchanan, Buell, Caplis, Carlson (McCone), Cavanaugh, Cronk, Davis (Wibaux), Denny, Elliott, Facey, Flynn, Goodman, Gullidge, Hamilton, Hanson, Hawley, Hoffman, Johnson, Kennedy, Kenyon, Larson (Richland), Harris, Larsen (Sheridan), Leavens, Lemmon, McAfee, McCarty, McCormack, McLeod, Maury, Myrick, Ostby, Peden, Perrine, Pilgeram, Rasmussen, Ridle, Rodgers, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoner, Strange, Swift, Taylor, Tawney, Tierney, Wold, Zuck, Mr. Speaker. Total—66.

Noes: Armstrong, Bosley, Burke, Buttelman, Cady, Carlson (Gallatin), Clarke, Davis (Fergus), Dean, Dell, Duffy, English, Fulsher, Holton, Joffray, Kelly (Pondera), Kelly (Silver Bow), Kinville, Loble, Murphy, Mushbach, Nelson, O'Connell, Oker, Roscow, Stoddard, Terrett. Total—27.

Absent and not voting: Berryman, Cowley, Gillette, Gillin, Lease, Pope, Troy. Total—7.

Moved by Maury, duly seconded and carried that Senate Bill No. 183 be placed on General Orders.

Moved by Terrett, duly seconded and carried, that Senate Bill No. 43 be



made a special order of business for tomorrow afternoon at 2 o'clock.

Moved by Swift, duly seconded, that House Bill No. 331 be recalled from the Joint Committee on Constitutional Amendments and placed on General Orders.

A roll call having been requested by Swift, duly seconded the motion carried by the following vote:

**Ayes:** Benedict, Bergstrom, Bernard, Berryman, Bohling, Bosley, Brandjord, Bray, Bricker, Buchanan, Buell, Buttelman, Cady, Carlson (Gallatin), Carlson (McCone), Clarke, Cronk, Davis (Wibaux), Dean, Dell, Duffy, Facey, Flynn, Goodman, Hanson, Harris, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Larson (Richland), Larsen (Sheridan), Loble, McAfee, McCarty, McCormack, Myrick, Nelson, Ostby, Peden, Perrine, Pilgeram, Rasmussen, Ridle, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Stoner, Strange, Swift, Tawney, Terrett, Troy, Wold, Zuck, Mr. Speaker. Total—62.

**Noes:** Andrew, Armstrong, Arnold, Burke, Caplis, Davis (Fergus), Denny, English, Fulsher, Gullidge, Hawley, Kinville, Lemmon, McLeod, Maury, Murphy, Mushbach, O'Connell, Oker, Rodgers, Spencer, Stoddard, Taylor. Total—23.

**Absent and not voting:** Andrus, Baker, Boorman, Cavanaugh, Cowley, Elliott, Gillette, Gillin, Hamilton, Kelly (Silver Bow), Lease, Leavens, Pope, Roscow, Tierney. Total—15.

Moved by Goodman, duly seconded and carried, that the Joint Conference Committee on Constitutional Amendments be requested to report out House Bill No. 351 tomorrow morning.

Moved by Buchanan, duly seconded and carried, that the chief clerk of this House be authorized and directed to enter in full on the Journal of the House, House Bill No. 27, by Brandjord, containing a proposed amendment to the Constitution of the State of Montana, and that such entry be made on the said Journal under the date when the said House Bill No. 27 was read the third time and together with the "ayes" and "nays" thereon, as required by Section 9 of Article 19 of the Constitution of the State of Montana.

Moved by Tawney, duly seconded and carried, that House Bill No. 199 be placed second on the list of General Orders.

Moved by Smethurst, duly seconded and carried, that House Bill No. 358 be placed third on the list of General Orders.

### THIRD READING OF HOUSE BILLS.

The Committee on Printing reported as follows:

"Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bills Nos. 383, 389, 260, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman."

The Committee on Enrollment reported as follows:

"Mr. Speaker:

We, your Committee on Enrollment, wish to report House Bills Nos. 127, and Substitute for H. B. No. 59, correctly enrolled.

McAFEE, Chairman."

Mr. Speaker gave notice that he was about to sign House Bills Nos. 127 and Sub. for H. B. No. 59 respectively and thereupon signed same.

Moved by Gullidge, duly seconded and unanimously carried that all bills on third reading be read by history and title only.

S. B. No. 100, by McCone, having been read three several times and title and history agreed to, was concurred in by the following vote:

**Ayes:** Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Brandjord, Bray, Bricker, Buttelman, Cady, Caplis, Carlson (Gallatin), Cavanaugh, Clarke, Dean, Dell, Denny, English, Facey, Flynn, Fulsher, Goodman, Hanson, Harris, Hoffman, Holton, Joffray, Johnson, Kelly (Silver Bow), Kennedy, Kenyon, Larson (Richland), Lemmon, Loble, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Perrine, Pilgeram, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smith, Spencer, Stoner, Strange, Swift, Taylor, Terrett, Tawney, Troy, Tierney, Zuck, Mr. Speaker. Total—71.

Noes: Bosley, Burke, Duffy, Kelly (Pondera). Total—4.

Absent and not voting: Buchanan, Buell, Carlson (McCone), Cowley, Cronk, Davis (Fergus), Davis (Wibaux), Elliott, Gillette, Gillin, Gullidge, Hamilton, Hawley, Kinville, Larsen (Sheridan), Lease, Leavens, McAfee, McCarty, Ostby, Peden, Pope, Smethurst, Stoddard, Wold. Total—25.

S. B. No. 191, by Coburn, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrew, Andrus, Arnold, Baker, Benedict, Bergstrom, Caplis, Berryman, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Dell, Buttelman, Carlson (Gallatin), Cavanaugh, Dean, Duffy, English, Flynn, Fulsher, Goodman, Gullidge, Hanson, Hawley, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kinville, Larson (Richland), Lemmon, Loble, McAfee, McLeod, Maury, Murphy, Myrick, Nelson, Oker, Pilgeram, Rasmussen, Ridle, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smith, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy. Total—60.

Noes: Armstrong, Bernard, Buell, Burke, Carlson (McCone), Clarke, Davis (Fergus), Denny, Facey, Harris, McCormack, O'Connell, Perrine, Smethurst, Stoner. Total—15.

Absent and not voting: Bohling, Cady, Cowley, Cronk, Davis (Wibaux), Elliott, Gillette, Gillin, Hamilton, Hoffman, Kenyon, Larsen (Sheridan), Lease, Leavens, McCarty, Mushbach, Ostby, Peden, Pope, Rodgers, Spencer, Stoddard, Wold, Zuck, Mr. Speaker. Total—25.

Mr. Speaker pro tem in the chair.

S. B. No. 173, by Paul, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Brandjord, Buchanan, Buell, Burke, Buttelman, Caplis, Carlson (Gallatin), Cavanaugh, Clarke, Davis (Fergus), Dean, Dell, Denny, English, Flynn, Fulsher, Goodman, Gullidge, Harris, Hawley, Holton, Joffray, Johnson, Kelly (Silver Bow), Kennedy, Kenyon, Larson (Richland), Lemmon, Loble, McAfee, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Perrine, Pilgeram, Rasmussen, Ridle, Roscow, Ruffcorn, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Strange, Swift, Taylor, Terrett, Tierney, Troy. Total—66.

Noes: Bosley, Carlson (McCone), Facey, Larsen (Sheridan), Stoner, Tawney. Total—6.

Absent and not voting: Bray, Bricker, Cady, Cowley, Cronk, Davis (Wibaux), Duffy, Elliott, Gillette, Gillin, Hamilton, Hanson, Hoffman, Kelly (Pondera), Kinville, Lease, Leavens, McCarty, Oker, Ostby, Peden, Pope, Rodgers, Sandy, Stoddard, Wold, Zuck, Mr. Speaker. Total—28.

S. B. No. 148, by Pomeroy, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrus, Armstrong, Arnold, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Bricker, Buchanan, Buell, Burke, Buttelman, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Davis (Fergus), Dean, Dell, Denny, Duffy, English, Flynn, Goodman, Gullidge, Harris, Hawley, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Larson (Richland), Larsen (Sheridan), Lemmon, Loble, McAfee, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, O'Connell, Oker, Perrine, Pilgeram, Rasmussen, Ridle, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoner, Strange, Taylor, Tawney, Terrett, Tierney, Troy. Total—69.

Noes: Facey. Total—1.

Absent and not voting: Andrew, Baker, Brandjord, Bray, Cady, Cowley, Cronk, Davis (Wibaux), Elliott, Fulsher, Gillette, Gillin, Hamilton, Hanson, Hoffman, Kinville, Lease, Leavens, McCarty, Nelson, Ostby, Peden, Pope, Rodgers, Roscow, Stoddard, Swift, Wold, Zuck, Mr. Speaker. Total—30.

S. B. No. 156, by Committee on Banks and Banking, having been read three several times and title and history agreed to, was concurred in by the following vote:



Ayes: Andrus, Arnold, Baker, Benedict, Bergstrom, Berryman, Bohling, Boorman, Bosley, Brandjord, Bricker, Buchanan, Burke, Buttelman, Caplis, Cavanaugh, Clarke, Davis (Fergus), Dean, Dell, Denny, Duffy, English, Flynn, Goodman, Gullidge, Hanson, Hawley, Holton, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kenyon, Larson (Richland), Larsen (Sheridan), Lemmon, Loble, McAfee, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Oker, Ostby, Perrine, Pilgeram, Rasmussen, Ridle, Rodgers, Ruffcorn, Sandy, Scharnikow, Smethurst, Smith, Spencer, Stoner, Strange, Taylor, Tawney, Tierney, Troy, Wold, Zuck. Total—65.

Noes: Carlson (McCone), Facey, Kennedy. Total—3.

Absent and not voting: Andrew, Armstrong, Bernard, Bray, Buell, Cady, Carlson (Gallatin), Cowley, Cronk, Davis (Wibaux), Elliott, Fulsher, Gillette, Gillin, Hamilton, Harris, Hoffman, Joffray, Kinville, Lease, Leavens, McCarty, Nelson, O'Connell, Peden, Pope, Roscow, Seidensticker, Stoddard, Swift, Terrett, Mr. Speaker. Total—32.

S. B. No. 89, by Haley, having been read three several times and title and history agreed to was concurred in by the following vote:

Ayes: Andrus, Armstrong, Baker, Benedict, Berryman, Bohling, Boorman, Brandjord, Bricker, Buchanan, Buell, Burke, Buttelman, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, English, Facey, Flynn, Gullidge, Hanson, Hawley, Holton, Johnson, Kelly (Silver Bow), Kennedy, Kenyon, Larson (Richland), Larsen (Sheridan), Lemmon, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, O'Connell, Oker, Ostby, Peden, Perrine, Rasmussen, Ridle, Rodgers, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Zuck. Total—67.

Noes: Bergstrom, Bosley, Pilgeram. Total—3.

Absent and not voting: Andrew, Arnold, Bernard, Bray, Cady, Caplis, Cowley, Cronk, Duffy, Elliott, Fulsher, Gillette, Gillin, Goodman, Hamilton, Harris, Hoffman, Joffray, Kelly (Pondera), Kinville, Lease, Leavens, Loble, Nelson, Pope, Roscow, Ruffcorn, Troy, Wold, Mr. Speaker. Total—30.

Call of the House demanded by Bosley, seconded by fifteen members.

Moved by Spencer, duly seconded and carried, that further action under call of the House be dispensed with.

Sub. S. B. No. 17, by Leuthold, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrew, Armstrong, Arnold, Baker, Bergstrom, Bernard, Berryman, Brandjord, Bray, Bricker, Buchanan, Buell, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Davis (Fergus), Dean, Dell, Duffy, English, Facey, Flynn, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Joffray, Johnson, Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larsen (Sheridan), Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—80.

Noes: Benedict, Bohling, Boorman, Bosley, Davis (Wibaux), Kelly (Pondera), Myrick, Pilgeram. Total—8.

Absent and not voting: Andrus, Cowley, Cronk, Denny, Elliott, Fulsher, Gillette, Gillin, Holton, Larson (Richland), Lease, Pope. Total—12.

S. B. No. 142, by Duncan, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrew, Andrus, Armstrong, Baker, Benedict, Bergstrom, Berryman, Bohling, Boorman, Brandjord, Bray, Bricker, Buell, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, English, Flynn, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Leavens, Loble, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Taylor, Tawney, Terrett, Troy, Wold, Zuck. Total—80.



Noes: Arnold, Bosley, Duffy, Facey, Lemmon. Total—5.

Absent and not voting: Bernard, Buchanan, Cavanaugh, Cowley, Elliott, Fulsher, Gillette, Gillin, Lease, McAfee, McCarty, Pope, Swift, Tierney, Mr. Speaker. Total—15.

S. B. No. 120, by Duncan, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Bohling, Boorman, Brandjord, Bray, Bricker, Buell, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Davis (Fergus), Davis (Wibaux), Dean, Dell, Duffy, English, Facey, Flynn, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Leavens, Lemmon, Loble, McCormack, McLeod, Murphy, Mushbach, Myrick, O'Connell, Oker, Ostby, Peden, Perrine, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Swift, Taylor, Tawney, Terrett, Troy, Zuck. Total—77.

Noes: Bosley, Maury, Pilgeram. Total—3.

Absent and not voting: Bernard, Buchanan, Cowley, Cronk, Denny, Elliott, Fulsher, Gillette, Gillin, Lease, McAfee, McCarty, Nelson, Pope, Sandy, Stoner, Strange, Tierney, Wold, Mr. Speaker. Total—20.

Sub. for S. B. No. 61, by Paul, Dowlin and Clark, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Brandjord, Bray, Bricker, Buchanan, Buell, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, English, Facey, Flynn, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Leavens, Lemmon, Loble, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, O'Connell, Oker, Ostby, Peden, Perrine, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Troy. Total—82.

Noes: Bosley, Pilgeram, Smethurst. Total—3.

Absent and not voting: Cowley, Cronk, Elliott, Fulsher, Gillette, Gillin, Lease, McAfee, McCarty, Nelson, Pope, Tierney, Wold, Zuck, Mr. Speaker. Total—15.

Upon request of Buell and with unanimous consent reverted to:

#### INTRODUCTION OF BILLS AND MEMORIALS

The following bill was introduced, read first and second times and referred to the Committee on Ways and Means:

H. B. No. 399, by Appropriations Committee, and Committee on Ways and Means: "A Bill for an Act entitled: 'An Act to amend Section 2000 of the Revised Codes of Montana of 1921 relating to the basis of valuation for the purpose of imposition of taxes.'"

Moved by Maury, duly seconded and carried that the Committee on Ways and Means be required to report on House Bill No. 399 tomorrow.

Moved by Spencer, duly seconded, that the House adjourn until 10:30 tomorrow morning.

Moved by Bricker, as a substitute, duly seconded and carried, that the House recess until 7:30 P. M.

#### EVENING SESSION

House resumed at 7:30 P. M.

Mr. Speaker in the chair.

Maury, seconded by fifteen members, demanded a call of the House.

Moved by Carlson of Gallatin, duly seconded and carried that further proceedings under call of the House be dispensed with.

## CONSIDERATION OF GENERAL ORDERS

Moved by Gullidge, duly seconded and carried that the House resolve itself into a Committee of the Whole for the consideration of General Orders with the exception of House Bills Nos. 199 and 358, and that the same time restrictions be in force as have been imposed during the past few days.

McCormack in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole, having had under consideration bills on General Orders, respectfully report back with the recommendation that:

S. B. No. 129: Be amended as follows:

Section 1 by striking out all of Section 1 the same being the Section 1 added by the Committee on Revenue and Taxation.

The title by striking out the figures "2296" and the words "and imposition."

By renumbering sections from 1 to 6 as found in the printed bill.

And when so amended, be concurred in.

S. B. No. 41: Be amended as follows:

Title by inserting the numbers "3695" after the figures "3694."

By adding a new section to be designated as Section 6 $\frac{1}{2}$  and to read as follows:

"That Section 3695 of the Revised Codes of Montana of 1921 be and the same is hereby amended to read as follows:

Section 6 $\frac{1}{2}$ . 3695. Any person who owns or lawfully controls an artificial lake or pond may stock the same with fry procured from the Federal or from the State government at the prevailing market price providing there is a surplus of said fry, or from any other lawful source, and shall thereafter have the right and privilege to take from said lake or pond in any manner, except by the use of poisons or explosives, the fish therein contained, and to sell and dispose of said fish and of eggs and fry therefrom. The words "artificial lake or pond" as herein used shall not be construed to include any natural pond or body of water created by natural agencies, but shall be limited only to such bodies of water as are created by the artificial diversion or storage of water and shall not exceed 100 acres of surface area.

Provided, however, that such owner shall procure a license in the manner provided by the laws of the State of Montana, and shall furnish a good and sufficient bond to the State of Montana in the sum of Two Hundred dollars (\$200.00) conditioned to the effect that he will not sell fish caught in any of the public waters of this state, and also conditioned to the effect that such owner or holder will report to the State Game Warden the quantity of fish, fish eggs and spawn taken from said lake or pond, and sold from and planted in, said lake or pond during any calendar year. Said report to be made under oath annually in the month of January of each year."

Section 8 by striking out in line 68 the words "except in the counties of Lincoln, Flathead, Sanders, Ravalli and Mineral, in which counties any person may kill one deer of any age or sex."

Section 11 by adding thereto: "It shall be unlawful for any person to hunt, shoot, kill or capture, or cause to be shot, killed or captured, any grouse, prairie chicken, fool hen, pheasant or partridge, within the State of Montana, except in the counties of Flathead, Missoula, Lincoln, Sanders and Mineral, before September 1925."

Section 6 by inserting the word "additional" in line 21 after the figure (1), also in line 25 after the figure (1), also in line 28 after the figure (1).

Also to amend Section 3701 by adding the following: "That in such section where a closed season now exists, same shall still be considered closed territory, subject to the jurisdiction of the Fish and Game Commission.

The title by inserting the figures "3745" after the figures "3742."

And when so amended, be concurred in.

Sub. S. B. No. 82: Be concurred in.

S. B. No. 104: Be amended as follows:

Section 1 by striking out after the word "liability" in line 9 the remainder of the section and inserting in lieu thereof the following: "and its balance sheets."

And when so amended, be concurred in.

S. B. No. 180: Be concurred in.

S. B. No. 49: Be placed at the bottom of the second column on General Orders.

H. B. No. 112: Senate amendments be concurred in.

S. B. No. 85: Be concurred in.

S. B. No. 201: Be concurred in.

S. B. No. 149: Be concurred in.

S. B. No. 79: Be concurred in.

S. B. No. 123: Together with Senate Bills 113, 124, and 144 be made a special order of business for tomorrow at 3 P. M.

S. B. No. 64: Be concurred in.

S. B. No. 146: Be placed at the head of the third column on general orders.

S. B. No. 171: Be concurred in.

S. B. No. 200: Be placed at the foot of the list on General Orders.

S. B. No. 186: Be concurred in.

McCormack, Chairman."

On motion of McCormack, report adopted.

Moved by Ridle, duly seconded and carried that the House reconsider its action in adopting committee report on Senate Bill No. 137.

Moved by Ridle, duly seconded and carried that Senate Bill No. 137 be placed on Special Order with other irrigation bills for tomorrow at 3 P. M.

Moved by Gullidge, duly seconded and carried that the House adjourn until Wednesday, February 28, at 10:30 A. M.

CALVIN CRUMBAKER, Speaker.

Attest: JAMES A. SHOEMAKER, Chief Clerk.

## FIFTY-NINTH DAY

House of Representatives,  
February 28, 1923.

House convened pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Upon roll call all members present except: Gillette, excused; and Gillin and Smethurst, absent.

The Journal Committee reported as follows:

"Mr. Speaker:

We, your Committee on Journal, have this day examined the Journal for the 58th Legislative day and found the same correct.

BUCHANAN, Chairman."

Report adopted.

Moved by Swift, duly seconded and carried that the privilege of the floor be extended to Senator-elect B. K. Wheeler, and Congressman-elect, Scott Leavitt, at 11:30 A. M.

Moved by Swift, duly seconded and carried that the privileges of the floor be granted to Denny for 25 minutes at 11:00 o'clock.

## COMMUNICATIONS AND PETITIONS

### COMMUNICATIONS FROM THE SENATE

"Helena, Montana, February 27, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee on Judiciary to whom was referred Senate Bill No. 67, introduced by Kane, being a Bill for an Act entitled:



"An Act to amend Section 8868 of the Revised Codes of Montana, 1921, relating to the disqualifications of judicial officers."

Report as follows: This Bill has been under consideration for the purpose of considering House Amendment to said Bill and your Committee recommends that said House Amendment be not concurred in and that a joint Conference Committee be appointed for the purpose of furthering considering said House amendments. Report adopted and the President of the Senate thereupon appointed Senators—

STEWART of Deer Lodge,  
DUNCAN,  
KIRTON,

As a committee to act with a like committee from the House for further consideration of said House Amendments.

Very respectfully,  
J. F. CONE, Secretary of the Senate.

"Helena, Montana, February 27, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following House Bills were this day recommended for non-concurrence by adverse committee reports:

House Bill No. 188, by Fulsher.

House Bill No. 267, by Andrus.

House Bill No 278, by Ways and Means.

House Bill No. 363, by MAfee.

And the same are herewith returned to the House.

Very respectfully,  
J. F. CONE, Secretary of the Senate."

Moved by Oker, duly seconded and carried, that the following Senate communications be considered read at length and that the Journal so show.

"February 27, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Standing Committees this day report and recommend as follows; Reports adopted:

Committee on Stock Growing & Grazing: House Bill No. 279, introduced by Committee on Livestock & Public Ranges.

Amend Section 1 by adding at the end of said section the following: "It being expressly provided, that purchases of hides may be made in quantities exceeding (10) in number, in one purchase, from a seller who is regularly engaged in the slaughter of cattle, at a fixed place of business, who has already complied with the law regulating the slaughter of cattle, without a compliance with the foregoing provision of this section, if the seller shall deliver to the purchaser a copy of the record of the slaughter of the animals from which said hides were taken and none other."

And as amended be concurred in.

Committee on Stock Growing and Grazing, House Bill No. 280, introduced by Committee on Livestock and Public Ranges:

Amend Section 3, Line 2, by striking out after the word "fails" the words "then and there" and insert in lieu thereof the words "when so requested."

And as amended be concurred in.

Committee on Counties and Towns: House Bill No. 111, introduced by Roscow:

Amend Section 132, by adding thereto the following words; "Provided however, that when two or more city and county consolidation measures have been enacted into law applying to the same city, cities or towns, and counties they must be submitted to a vote of the qualified electors in the territory affected by them at one and the same time and the plan securing a majority of the votes cast at such election be declared adopted.

Recommend that the same be concurred in as amended.

Committee on Public Morals: House Bill No. 219, introduced by Public Morals, Charities and Reforms Committee:

Amend by striking the comma after the word position, in line 26 of page 2 of the engrossed bill, and line 8 of Section 5, and inserting in lieu thereof a "period (.)" and by striking out the words, "thereafter, or to permit at any such dance any known prostitute, pimp, procurer or procuress" and the period following the word "Procuress";

And by striking Section 8 entirely, and renumbering Section 9 to read Section 8, and the renumbering of the remaining sections thereafter, in harmony therewith."

And as amended that the same be concurred in.

Committee on Agriculture: House Bill No. 314, introduced by Ruffcorn. Recommend same be reported back without recommendation.

Committee on Education: House Bill No. 164, introduced by Zuck, Davis of Wibaux, Hamilton, McCarty, O'Connell, Tierney, Maury, Berryman and Dean. Substitute motion be placed on General File—carried.

Committee on Judiciary: House Bill No. 188, introduced by Fulsher, recommend said bill be not concurred in.

Committee on Sanitary Affairs: House Bill No. 267; recommend same be not concurred in.

Committee on Education: House Bill No. 96, introduced by Committee on Education. Recommended same back without recommendation.

Committee on Education: House Bill No. 285, introduced by same, recommend same be concurred in.

Committee on Education: House Bill No. 304: Introduced by same, recommend same be concurred in.

Committee on Counties and Towns: House Bill No. 278, introduced by Ways and Means Committee; recommend same be not concurred in.

Committee on Counties and Towns: House Bill No. 135, introduced by Buchanan and Berryman; recommend same be concurred in.

Committee on Judiciary: House Bill No. 229, introduced by Committee on Agriculture; substitute motion be placed on general file—carried.

Committee on Judiciary: House Bill No. 363, introduced by McAfee, recommend said bill be not concurred in.

Committee on Dairying: House Bill No. 266, introduced by Committee on Dairying; recommend same be concurred in.

Committee on Sanitary Affairs: Substitute for House Bill No. 107, introduced by Committee on Judiciary; recommend that same be concurred in.

Committee on Horticulture: House Bill No. 225; introduced by Com. on Horticulture; recommend same be concurred in.

Committee on Election and Privileges: House Bill No. 8, introduced by Lowndes Maury; recommend same be concurred in.

Committee on Taxation: House Bill No. 108, introduced by McCarty, recommend same be concurred in.

Committee on Taxation: House Bill No. 335, introduced by Troy, recommend same be concurred in.

Committee on Counties and Towns: House Bill No. 296, introduced by Caplis, et al.

Amend Section 3, by adding in line 24 the letter "s" to the word "occur" and in line 27 by adding the word "for" instead of the word "of" after the word "place". Also amend Section 3, by adding after the word "office" in line 4 the following: "The mayor shall by his vote decide all ties, but shall have no other vote."

Amend Section 4 by adding in line 10, the letter "s" to the word "meeting."

Amend Section 22, by striking out in line 3, the word "or" and inserting in lieu thereof the word "and."

Amend Section 36, by striking out in line 1, the word "or" and inserting in lieu thereof the word "by."

Amend Section 39, by adding in line 2, after the word "dollars" the words, "including the amount paid by the State." Also amend Section 39 by striking out "Five Thousand Dollars" and inserting in lieu thereof the words "thirty-five hundred dollars."

Amend Section 43, line 24, by striking out the word "that" and inserting in lieu thereof the word "there" and in line 27, by adding the letter "s" after the word "account."

Amend Section 45, by striking out in line 16, the words "and his office for two years" and inserting in lieu thereof "and his term of office shall be for two years."

Amend Section 51, by striking out in line 10, sub-division 10, the word "manage" and inserting in lieu thereof the word "mayor."

Amend Section 53, by striking out in line 12, the word "manager" and inserting in lieu thereof the word "mayor."

Amend Section 56, by striking out in line 14, after the word "Municipality," the words "or on account of the debt of the municipality."

Amend Section 64, by striking out in line 31 and 32, the words "and that there is money in the treasury to make payment."

Amend Section 76, by striking out in line 20, the words and figures "thirty-five" and inserting in lieu thereof the words and figures "fifty."

Amend Section 78 by striking out in line 1, the word "Manager" and inserting in lieu thereof the word "mayor" and also in line 6, strike out the word "manager" and insert the word "mayor" and also in line 13, strike out the word "manager" and insert the word "mayor" and in line 18, strike out the word "manager" and insert the word "mayor." Also amend Section 78 by striking out all of such section beginning with the word "appropriation" in line 5 and ending with the word "mayor" in line 9 and inserting in lieu thereof the words: "appropriation to the sinking fund less than that estimated by the Mayor to be required for that purpose, the director of finance shall nevertheless cause to be set up an appropriation account for the full amount so estimated by the Mayor."

Amend Section 79, by inserting after the word "finance" in line 30, the words "shall be."

Amend Section 80, by striking out in line 20 the word "manager" and inserting in lieu thereof the word "mayor."

Amend Section 90, by striking out in line 11 the word "of" after the word "department" and inserting in lieu thereof the word "or."

Amend Section 93, by striking out all of Section 93, and inserting in lieu thereof the following: "there shall be as many police judges of a municipality as the commission shall from time to time determine to be necessary but not exceeding four in all. Each police judge shall be elected by the people and hold his office for a term of two years and shall receive an annual salary of three thousand dollars and provided that at the first election held by the municipality under this Act, only two police judges shall be elected."

Amend Section 97, by striking out in line 22, the word "manager" and inserting in lieu thereof the word "mayor."

Amend Section 101, by adding in line 26, after the word "all" the word "elected" and in line 1, by striking out the word "nominated" and insert in lieu thereof the word "elected" and to strike out after the word "Tuesday" in line 3, the words "in June next following the primary election" and inserting in lieu thereof the words: "after the first Monday in November." Also amend Section 101, by adding in line 5, after the word "places" the following words "and for the election of all other elective officers."

Amend Section 103 by striking out in line 31, the words "office of" and inserting in lieu thereof the words "for the office of."

Amend Section 105, by striking out in line 7 and 8, the words "the election of members of the Commission" and inserting in lieu thereof the words "any municipal election." Also amend Section 105 by striking out in lines 8 and 9, the words "the commission" and inserting in lieu thereof the words "each office." Also amend Section 105, by striking out the word "commissioners" in line 15.

Amend Section 108, by striking out in line 15, after the word "election" the words, "held on the first Tuesday in June to fill vacancy."

Amend Section 109, in line 19, by striking out the words "on the first Tuesday in June" and inserting in lieu thereof the words "other elective officers" and by adding in line 26, after the word "commission," "or officers" and in line 2 after the word "at", by striking out the word "an" and inserting



the word "a general" and striking out after the words "election" the words "held on the first Tuesday in June." Also amend Section 109, by inserting in line 24, after the word "commission," the words "or any office." Also amend Section 109, by adding in line 2 after the word "Commission" the words "and other elective offices."

Amend Section 110 by inserting after the word "commission" in line 8 the words "or other elective officer" and inserting after the word "commission" in line 14, the words, "or other elective officer" and inserting after the word "commission" in line 14, the words "or other elective officers" and inserting after the word "commission" in line 15, the words "or office."

Amend Section 111 by striking out in line 31 the words and figures "twenty" and inserting in lieu thereof the words and figures "six." Also amend Section 111, by inserting in line 31 after the word "those," the word "who."

Amend Section 112, line 7, by inserting after the word "commission" the words "or officer."

Amend Section 112, line 8, after the word "member" the words "or officer."

Amend Section 113, by inserting after the word "commission" in line 18, the words "or officer" and by inserting after the word "member" in line 19, the words "or officer."

Amend Section 114, by striking out in line 1, the word "commission" and inserting in lieu thereof the word "office of."

Amend Section 115, by striking out in line 18, the word "defeat" and inserting in lieu thereof the word "defect." Also amend Section 115, by inserting in line 14, after the word "commission" the words "or officer," and by inserting in line 18 after the word "member" the words "or officer," and by inserting in line 19 after the word "member" the words "or officer," and by striking out in line 20, the words "from the commission."

Amend Section 117, in line 30, after the word "commission" by inserting the words "or officer," also in line 1, by inserting after the word "member" the words "or officer."

Amend Section 126, by striking out in line 30, the word "manager" and inserting in lieu thereof the word "mayor."

Amend Section 129, by striking out the whole thereof and inserting the following: "The members of the Board of County Commissioners of Silver Bow County, the members of the council of any city or town within the county, and all other elective and appointive county, city and town officers holding office on the date when this Act shall be adopted shall continue in office and in the discharge of their duties until the first day of January following the election of the commission and elective officers elected under the provisions of this Act. Whereupon such board of county commissioners, city and town councils and other elective and appointive county, city and town offices shall be deemed abolished."

Amend Section 134, by striking out all of the following after the word "effect" in line 19 and inserting in lieu thereof the words "on the first day of January immediately following the election of a commission and officers hereunder," and in line 17 after the word "commission" add the words "or other officers."

Amend Section 129 by adding thereto the following words: "provided, however, that when two or more city and county consolidation measures have been enacted into law applying to the same city, cities or towns and counties they must be submitted to a vote of the qualified electors in the territory affected by them at one and the same time and the plan securing a majority of the votes cast at such election will be declared adopted."

Recommend that the same be concurred in; as amended.

Committee on Constitutional Amendments: Senate Bill No. 5, introduced by Clark, recommend said Bill do pass.

Committee on Stock Growing and Grazing: House Bill No. 281, introduced by Committee on Livestock and Public Ranges; recommend same be concurred in.

Committee on Stock Growing and Grazing: House Bill No. 283, introduced by Committee on Livestock and Public Ranges; recommend same be concurred in.

Committee on Roads and Highways: House Bill No. 354; introduced by Committee on Roads and Highways;

Amend the title by inserting in line 3 after the figure 2382 a comma and the figures 2383.

Amend the title in line 6 by inserting after the comma the words "providing for refunding tax paid in certain cases."

Amend Section 1 by striking out throughout the Section, wherever they appear in combination the words "and dealer."

Amend Section 2 as follows:

"Section 2. That Section 2383 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

Section 2383. Every dealer shall for the year 1923, and each year thereafter, when engaged in such business in this State, pay to the State Treasurer for the exclusive use and benefit of the State of Montana, a license tax for engaging in such business in this state, equal to two cents for each gallon of gasoline and two cents for each gallon of distillate sold or distributed by such dealer in this state during such year; provided, however, that no gasoline or distillate sold by such dealer which, when purchased by him was contained in containers or packages other than the original containers or packages in which the same was shipped, transported or imported into this State, shall be included or considered in determining the amount of such license tax to be paid by such dealer, but only such gasoline and distillate as was shipped, transported or imported into this state and purchased by such dealer in the original packages in which so shipped, transported or imported into this State, and then resold by such dealer, after the breaking of such original packages by him, shall be included or considered for the purpose of computing the amount of such license tax."

Also amend Section 2 of the original Bill by inserting Section 3 as follows:

"Section 3. That Section 2392 of the Revised Codes of Montana, 1921, be, and the same is hereby, amended to read as follows:

Section 2392. Fifty per cent of all moneys received by the State Treasurer in payment of license taxes under the provisions of this Act, shall be deposited by him in, and credited to, the State Highway Fund. The balance of said money received by the State Treasurer under the provisions of this Act must be by him at the end of each fiscal year distributed to the respective counties of the State in proportion as the area of each county bears to the area of the whole State for the county road fund of each county."

Amend Section 4 to read as follows:

"Section 4. Refunding tax paid in certain cases.

Any person, firm or corporation who shall by and use any motor fuel for the purpose of operating or propelling stationary gas engines, farm tractors, motor boats, or for cleaning or drying or for any use other than for propelling motor vehicles operated or intended to be operated upon the public streets, roads or highways, and upon which fuel the tax has been paid as provided in this Act, shall, upon application to the Secretary of State as herein provided be reimbursed and repaid the amount of such tax as paid by him.

The application for re-imbursement shall be accompanied by the original invoices, showing such purchase, and the statements therein contained shall be verified by oath and shall state the total amount of such fuel so purchased and the purpose or purposes for which the same was used.

Upon receipt of an application for rebate, in due and satisfactory form, and accompanied with the proper vouchers as herein provided the Secretary of State shall cause to be repaid to such applicant, from the taxes collected on motor vehicle fuels, the amount of the license tax paid on motor fuel so purchased and used by such applicant for other purposes than for operating motor vehicles over and upon the roads and highways of the State; provided, that applicants for refunds as provided herein shall have been filed with the Secretary of State within ninety days from the date of purchase or invoice.

Renumber Section 3 to read Section 5; renumber Section 4 to read Section 6.



Amend Section 5, by striking out in the last line after the word "after" the words "its passage and approval" and inserting therefor the words "March 31st, 1923."

And as so amended that the same be concurred in.

Committee on Judiciary: Senate Bill No. 67, introduced by Kane:

This Bill has been under consideration for the purpose of considering House Amendment to said Bill and your Committee recommends that said House Amendment be not concurred in and that a Joint Conference Committee be appointed for the purpose of further considering said House Amendment.

Very respectfully,

J. F. CONE, Secretary of the Senate.

"February 27, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee of the Whole to whom was referred business on General File report and recommend as follows:

That House Bill No. 253, be concurred in.

That House Bill No. 272, be not concurred in.

That House Bill No. 228, be concurred in.

That House Bill No. 263, be amended in Section 1, by striking out in line 5 and 6 the following: "and where the enrollment of the school is fewer than six pupils must close their schools."

And as so amended, recommend same be concurred in.

That House Substitute for House Bill No. 43, be concurred in.

That House Bill No. 115, be amended in Section 1, by inserting in line 7 the following words "This Act shall not apply to cities and towns."

And as so amended, recommend same be concurred in.

That House Bill No. 101, be concurred in.

That House Bill No. 84, be amended in Section 5 by striking out in line 5 the following: "Or for such other cause as the said commission deem sufficient."

And as so amended, recommend same be concurred in.

That Substitute for House Bill No. 138, be concurred in.

That House Bill No. 113, be concurred in.

That House Bill No. 257 be amended in Section 7 by striking out in line 10 the figures \$4500.00 and inserting in lieu thereof the figures \$4000.00.

Amend Section 6, by striking out in lines 9 and 10 the words and figures Forty Five Hundred (\$4500.00) Dollars and inserting in lieu thereof the words and figures Four Thousand (\$4000.00) Dollars.

Amend Section 7, by striking out in line 23 after the word "Survey" all the rest of the line 23 and all of line 24 to the end of the word "year."

Amend Section 8, by adding at the end of the Section the following:

"Providing that the Highway Commission shall not promote highway projects or bond issues."

And as so amended, recommend same be concurred in.

That House substitute for House Bill No. 69 be amended in Section 1, by striking out in line 8 the words, "In Districts of the third class."

And, as so amended, recommend same be concurred in.

That House Bill No. 119, be amended by striking out the enacting clause.

That House Bill No. 171, be concurred in.

That House Bill No. 309, be concurred in.

That House Bill No. 215, be concurred in.

That House Bill No. 367, be amended in Section 2, by striking out Section 2, and renumber Section 3 to read "Section 2."

And as so amended, recommend same be concurred in.

That House Bill No. 324, be concurred in.

That Consolidation of House Bill No. 176, be passed until tomorrow.

Very respectfully,

J. F. CONE, Secretary of Senate."



## REPORTS OF STANDING COMMITTEES

The following reports of standing committees were received:

"Mr. Speaker:

We, a conference committee appointed by the Senate and House of Representatives, to consider Senate Amendments to House Bill No. 198, having had same under consideration, respectfully report as follows:

That the Senate recede from its amendment to Section 5, Lines 17 and 18, striking out, beginning with the words "county to pay" in line 17, all remainder of line 17 and line 18.

That House concur in all of the other amendments made by Senate to House Bill No. 198.

Respectfully submitted,  
GRIFFIN,  
McCONE,  
STAGGS, Committee of the Senate.  
HOFFMAN,  
BERGSTROM,  
HANSON, Committee of the House."

On motion of Hoffman, report adopted.

"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration, H. B. No. 394, introduced by Appropriations Committee: "An Act to amend Section 3197 of Chapter 227, Revised Codes of Montana of 1921, providing for the payment of cost of caring for and treating drug addicts by the various counties," respectfully report as follows:

That H. B. No. 394, do pass.

BUELL, Chairman."

On motion of Hawley, report adopted.

"Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration H. B. No. 399, "A Bill for an Act entitled: 'An Act to amend Section 2000 of the Revised Codes of Montana of 1921 relating to the basis of valuation for the purpose of imposition of taxes,'" respectfully report as follows:

That H. B. No. 399, be reported back without recommendation.

ARNOLD, Chairman."

Moved by Arnold, duly seconded, that report be adopted.

Moved by Scharnikow, as a substitute, duly seconded, that House Bill No. 399 be printed and placed on General Orders.

Moved by Hanson, duly seconded, that the motion be laid upon the table.

Maury, duly seconded, demanded a roll call.

Pilgeram, seconded by fifteen members, demanded a call of the House.

Moved by Gullidge, duly seconded and carried that further proceedings under call of the House be dispensed with.

Upon roll call the motion to table carried, the vote being as follows:

Ayes: Andrus, Armstrong, Baker, Benedict, Bergstrom, Bernard, Bohling, Brandjord, Bray, Bricker, Buchanan, Buell, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, English, Facey, Flynn, Fulsher, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly, (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Loble, McAfee, McCarty, McCormack, McLeod, Mushbach, Myrick, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Seidensticker, Smethurst, Smith, Spencer, Stoner, Strange, Swift, Taylor, Tawney, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—80.

Noes: Arnold, Berryman, Boorman, Duffy, Elliott, Lease, Leavens, Lemon, Maury, Murphy, Nelson, Pope, Scharnikow, Stoddard, Terrett. Total—15.

Absent and not voting: Andrew, Bosley, Cowley, Gillette, Gillin. Total—5.

Privilege of the floor having been previously granted to Denny at this time, he was invited to address the Assembly.

The courtesy of the privilege of the floor having been previously granted to Congressman Leavitt, he was now invited to address the Assembly.

Mr. Speaker gave notice that he was about to sign Senate Bills Nos. 89, 173, 156, 148, 205, 91, 52, 154, 153, 112, 99, 66, 62, 207, 157, respectively, and thereupon signed the same.

### REPORTS OF STANDING COMMITTEES

The following reports of standing committees were received:

“Mr. Speaker:

We, your Committee on State Institutions, Buildings and Grounds, having had under consideration, S. B. No. 199, by Lowe, entitled: “An Act creating the Northern Montana State Normal School, designating the method of its location and defining its purpose and making an appropriation of money to carry out this Act,” respectfully report S. B. No. 199, back without recommendation.

RODGERS, Chairman.”

Moved by Rodgers, duly seconded that the report be adopted.

Moved by Facey, duly seconded, that the report be laid upon the table.

Zuck, seconded by fifteen members, demanded a call of the House.

Moved by Boorman, duly seconded and carried that further action under call of the House be dispensed with.

Roll call was requested by Zuck, duly seconded, whereupon the motion to table failed, the vote being as follows:

Ayes: Armstrong, Benedict, Bricker, Buttleman, Carlson (McCone), Cdarke, Cronk, Dean, Elliott, English, Facey, Goodman, Harris, Hawley, Holton, Kennedy, Kenyon, McAfee, McCormack, Murphy, Mushbach, Myrick, Peden, Perrine, Pilgeram, Rasmussen, Ridle, Rodgers, Ruffcorn, Sandy, Seidensticker, Taylor, Troy, Wold, Mr. Speaker. Total—35.

Noes: Andrus, Arnold, Baker, Bergstrom, Bernard, Bohling, Boorman, Brandjord, Buchanan, Burke, Cady, Carlson (Gallatin), Cavanaugh, Davis (Fergus), Davis (Wibaux), Dell, Denny, Duffy, Flynn, Fulsher, Gullidge, Hamilton, Hanson, Joffray, Kelly (Pondera), Kelly (Silver Bow), Kinville, Larson (Richland), Larsen (Sheridan), Lease, Lemmon, Loble, McCarty, McLeod, Maury, Nelson, O'Connell, Oker, Ostby, Pope, Roscow, Smethurst, Smith, Stoddard, Stoner, Strange, Swift, Tawney, Terrett, Tierney, Zuck. Total—51.

Absent and not voting: Andrew, Berryman, Bosley, Bray, Buell, Caplis, Cowley, Gillette, Gillin, Hoffman, Johnson, Leavens, Scharnikow, Spencer. Total—14.

Moved by Zuck, as a substitute, duly seconded and carried that Senate Bill No. 199 be placed on General Orders.

Moved by Swift, duly seconded and carried that at this time the privilege of the floor be extended to Senator-elect B. K. Wheeler.

The address of Senator-elect B. K. Wheeler, having been completed, it was moved by Gullidge, duly seconded and carried that the House recess until 1:30 P. M.

### AFTERNOON SESSION

House resumed at 1:30 P. M.

Mr. Speaker in the chair.

### REPORTS OF STANDING COMMITTEES

The following reports of standing committee were received:

“Mr. Speaker:

We, your Committee on Appropriations, having had under consideration, H. B. No. 395, introduced by Appropriations Committee: “An Act appropriating money for the operation and maintenance of certain of the state in-

stitutions of the State of Montana for the period beginning July 1st, 1923," respectfully report as follows:

That H. B. No. 395, do pass.

BUELL, Chairman."

On motion of Hawley, report adopted.

"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration, H. B. No. 396, introduced by Appropriations Committee: "An Act appropriating money for the payment of deficiency claims on account of feeding drug addicts becoming due during the year ending February 28th, 1923," respectfully report as follows:

That H. B. No. 396 do pass.

BUELL, Chairman."

On motion of Hawley, report adopted.

"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration, H. B. No. 397, introduced by Appropriations Committee: "An Act appropriating money for the payment of deficiency claims on account of transporting prisoners becoming due during the year ending February 28th, 1923," respectfully report as follows:

That H. B. No. 397, do pass.

BUELL, Chairman."

On motion of Hawley, report adopted.

"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration, H. B. No. 398, introduced by Appropriations Committee: "An Act appropriating money for the administration and other expenses of the State Highway Commission and for the maintenance and construction, supervision and inspection of state highways for the two years beginning July 1, 1923, and ending June 30th, 1925," respectfully report as follows:

That H. B. No. 398, do pass.

BUELL, Chairman."

On motion of Hawley, report adopted.

#### INTRODUCTION OF BILLS AND MEMORIALS

The following bill was introduced, read first and second times and referred to committee as follows:

H. B. No. 400, by Appropriations Committee: "A Bill for an Act entitled: 'An Act appropriating money for the operation and maintenance of certain of the state institutions of the State of Montana for the period beginning July 1, 1923 to June 30th, 1925,'" (Committee on Appropriations).

With unanimous consent, reverted to:

#### REPORTS OF STANDING COMMITTEES

The following reports of standing committees were received:

"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration, H. B. No. 392, introduced by Appropriations Committee: "An Act to appropriate money for the State Fire Marshall for use in the interest of public safety and prescribing the purposes thereof," respectfully report as follows:

That H. B. No. 392, do pass.

BUELL, Chairman."

On motion of Buell, report adopted.

"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration, H. B. No. 365, introduced by Smith, Leavens, Boorman, Kinville and Terrett: "An Act providing for the erection and establishment of a fitting and suitable



memorial to the memory of 1,366 citizens of Montana, who gave their lives to their country during the war between the United State of America and the Imperial Governments of Germany and Austria Hungary, commonly called the 'World War', respectfully report as follows:

That H. B. No. 365 do pass.

BUELL, Chairman."

On motion of Buell, report adopted.

#### MOTIONS AND RESOLUTIONS.

Moved by Oker, duly seconded and carried, that Senate Bill Nos. 199 and 200 be made a special order of business for tomorrow at 11:00 o'clock.

#### CONSIDERATION OF MESSAGES FROM THE GOVERNOR AND SENATE.

The following communications were received from the Senate:

"Helena, Montana, February 28, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 196, introduced by Buell, McCormack, Holton, Brandjord, Myrick, Pope and Buttelman, was this day read third time and concurred in as amended, title agreed to and is herewith returned to the House for concurrence in Senate amendments.

Amend Section 1, by striking out in line 9 (9) of the printed bill the words, "one and one-half" and inserting in lieu thereof the word "Two," also amend Section 1 of the printed bill by inserting after the word "consideration" and before the word "All" in line 12, the words, "All royalty oil and."

Amend Section 2 by striking out lines 2, 3, 4, 5, and 6 and House amendment of said Section 2 and insert in lieu thereof the following:

Section 2399. Tax When Payable. Such license tax shall be paid on December 31st, of each year. The State Treasurer shall transfer from the income of this tax to the public school fund of the State a sum equal to seventy-five per cent (75%) of the total amount of such license taxes collected during such year, the same to be apportioned in the same way as the other incomes of the public school fund is apportioned, and at the same time the State Treasurer shall also apportion a sum equal to twenty-five per cent (25%) of such license taxes collected during such year to the high schools of the State on the basis of the aggregate number of days' attendance during the preceding year in each high school."

Amend Section 3, by adding in line 7, after the word "therefrom" the words "All royalty oil and."

Very respectfully,

J. F. CONE, Secretary of the Senate."

Moved by Carlson of Gallatin, duly seconded and carried that the Senate amendments to House Bill No. 196 be not concurred in, and that a conference committee be appointed at once to meet with a like committee from the Senate.

"Helena, Montana, February 27, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 40, introduced by Facey, was this day read third time and concurred in as amended, title agreed to, and is herewith transmitted to the House for concurrence in Senate amendments.

Amendments attached:

Very respectfully,

J. F. CONE, Secretary of the Senate."

"That H. B. No. 40 be amended in

Section 6 by striking out in line 3 of the printed bill the words "one year," and inserting in lieu thereof the words "eighteen months."

In Section 6 by striking out in line 10 the figure "8" and inserting in lieu thereof the figure "9."

And that same be concurred in as amended."

Moved by Facey, duly seconded and carried, that the Senate amendments to House Bill No. 40 be not concurred in, and that a conference committee be appointed to meet with a like committee from the Senate.

Moved by Loble, duly seconded and carried that the following communications from the Senate be considered read at length.

"Helena, Montana, February 27, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 367, introduced by Caplis, was this day read third time and concurred in as amended, title agreed to, and is herewith transmitted to the House for concurrence in Senate amendments.

Amendment:

Amend in Section 2 by striking out Section 2 and renumbering Section 3, to read Section 2.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February, 27, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 263, introduced by Taylor, was this day read third time and concurred in as amended, title agreed to and is herewith transmitted to the House for concurrence in Senate amendments.

Amendments:

Amend Section 1, by striking out in lines 5 and 6 the following: "And where the enrollment of these schools is fewer than six pupils must close their schools."

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 27, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Substitute for House Bill No. 138, introduced by Committee on Banks and Banking, was this day read third time and concurred in as amended, title agreed to and is herewith transmitted to the House for concurrence in Senate amendments. Amendments attached to bill.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 27, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 19, introduced by Nelson, was this day read third time and concurred in as amended, title agreed to and is herewith transmitted to the House for concurrence in Senate amendments.

Amend Section 1, by striking out in line 98 and 99 the words "Ten per cent (10%) in excess of" and inserting in lieu thereof the words "equal to."

Amend Section 1 by reinstating that portion of said section relating to rotation of names on ballots, strike out in Committee of the Whole February 23rd.

Amend by adding after the words "Ten Dollars," Section 1, page 1, line 29, the following: "Except candidates for the State Senate and the House of Representatives shall be \$15.00."

Amend Section 1, page 2, by striking out all of lines 3 and 4 and inserting in lieu thereof the words: "In all other classes of counties \$10.00."

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 27, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 115, introduced by Terrett, was this day read third time and

concurred in, as amended, title agreed to, and is herewith transmitted to the House for concurrence in Senate amendments.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 27, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Substitute for House Bill No. 69, introduced by Committee on Education, was this day read third time, and concurred in as amended, title agreed to, and is herewith transmitted to the House for concurrence in Senate amendments.

Amendments attached to bill.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 27, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Substitute for House Bill No. 257, introduced by Committee on Highways, was this day read third time and concurred in, as amended, title agreed to and is herewith transmitted to the House for concurrence in Senate amendments.

Amendment:

Amend Section 6, by striking out in lines 9 and 10 the word and figures "Forty-five Hundred (\$4500.) Dollars" and inserting in lieu thereof the words and figures. "Four Thousand (\$4000.00) Dollars." Amend Section 7 by striking out in line 10 the figures "\$4500.00," and inserting in lieu thereof the figures "\$4000.00."

Amend Section 7 by striking out in line 23 after the word "Survey," all the rest of the line 23 and all of line 24 to the end of the word "year."

Amend Section 8 by adding at the end of the section the following: "Providing that the Highway Commission shall not promote highway projects or bond issues."

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 27, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 111, introduced by Roscow, was this day read third time and concurred in as amended, report adopted and is herewith transmitted to the House for concurrence in Senate amendments.

Amendment:

Amend Section 132 by adding thereto the following words: "Provide, however, that when two or more city or county consolidation measures have been enacted into law applying to the same city, cities or towns, and counties, they must be submitted to a vote of the qualified electors in the territory affected by them at one and the same time and the plan securing a majority of the votes cast, at such election will be declared adopted."

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 27, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 27, introduced by Brandjord, was this day read third time, and being a constitutional amendment, was concurred in by two-thirds vote of the Senate, title agreed to, and the same is herewith transmitted to the House.

Very respectfully,

J. F. CONE, Secretary of the Senate."



"Helena, Montana, February 27, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following House Bills were this day read third time and concurred in, title agreed to and are herewith transmitted to the House:

Substitute House Bill No. 43, introduced by State Board and Officers:

House Bill No. 253, introduced by Pope.

House Bill No. 324, introduced by Boorman.

House Bill No. 309, introduced by Fulsher.

House Bill No. 228, introduced by Committee on Appropriations.

House Bill No. 215, introduced by Ways and Means.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 28, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following House Bills were this day reported for non-concurrence by the Committee of the Whole, report adopted and bills are herewith transmitted to the House.

House Bill No. 96, by Tierney.

Substitute for House Bill No. 107, Committee on Judiciary.

House Bill No. 108, by McCarty.

House Bill No. 272, by Larsen of Sheridan.

House Bill No. 277, by Joffray.

House Bill No. 284, by Facey, Denny, Swift and Maury.

House Bill No. 328, by Seidensticker.

House Bill No. 164, by Zuck and others.

House Bill No. 296, by Caplis.

Very Respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 28, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 243, introduced by Carlson, was this day recommended by the Committee on Fish and Game for non-concurrence, and the same is herewith transmitted to the House.

Very Respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 27, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following House Bills were this day read third time, and not concurred in.

House Bill No. 171, by Mushbach.

House Bill No. 113, by Tierney.

Same are herewith returned to the House.

Very Respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 28, 1923.

Mr. Speaker:

I am directed by the Senate to transmit to your Honorable Body, pursuant to your request, Senate Bills Nos. 93 and 137 for further consideration.

Very Respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 27, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee of the Whole to whom was referred Business on General File, report and recommend as follows:

That House Bill No. 111 be concurred in.

That House Bill No. 296 be amended by striking out the Enacting Clause.

That House Bill No. 96 be not concurred in.

That House Substitute for House Bill No. 107 be not concurred in.

That House Bill No. 108 be not concurred in.

That consideration of House Bill No. 135 be passed.

That House Bill No. 164 be amended by striking out the Enacting Clause.

Very Respectfully,

J. F. CONE, Secretary of the Senate."

"February 27, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Standing Committees this day reported and recommend as follows: Reports adopted:

TO THE SENATE AND

HOUSE OF REPRESENTATIVES:

We, your Conference Committee appointed to consider House Bill No. 198 with amendments thereto adopted by the Senate, have considered this bill and the amendments thereto and do hereby report as follows:

That all of the amendments to House Bill No. 198 adopted by the Senate be concurred in by the House except the amendment which reads as follows:

"Amend Section 5, lines 17 and 18, by striking out beginning with the words 'the County to pay' and all the remainder of line 17 and line 18." which amendment we recommend be receded from by the Senate.

GRIFFIN,  
McCONE,  
STAGGS.

On roll call report adopted.

Committee on Oils and Leases: House Bill No. 306, introduced by Oker, recommend same be concurred in.

Committee on Finance and Claims: House Bill No. 386, introduced by Appropriations Committee, recommend same be concurred in.

Committee on Finance and Claims: House Bill No. 385, introduced by Appropriations Committee, recommend same be concurred in.

Committee on Finance and Claims: House Bill No. 388, introduced by Appropriations Committee, recommend same be concurred in.

Committee on Finance and Claims: House Bill No. 284, introduced by Facey, Denny, Swift and Maury, recommend the same be not concurred in.

Committee on Finance and Claims: House Bill No. 328, introduced by Seidensticker, recommend same be not concurred in.

Committee on Finance and Claims: House Bill No. 217, introduced by Ways and Means Committee, recommend same be concurred in.

Committee on Finance and Claims: House Bill No. 375, introduced by Ways and Means Committee, recommend same be concurred in.

Committee on Finance and Claims: House Bill No. 361, introduced by Appropriations Committee, recommend same be concurred in.

Committee on Finance and Claims: House Bill No. 362, introduced by Appropriations Committee, recommend same be concurred in.

Committee on Finance and Claims: House Bill No. 384, introduced by Appropriations Committee, recommend same be concurred in.

Committee on Finance and Claims: House Bill No. 277, introduced by Joffray, recommend same be not concurred in.

Committee on Finance and Claims: House Bill No. 387, introduced by Appropriations Committee, recommend same be concurred in.

Committee on Finance and Claims: House Bill No. 373, introduced by Hoffman:

Amend by striking out in line 15 after the word "Thomas" the following words—"Subject to the authorization of the State Highway Commission and the Board of Examiners."

Recommend that the same be concurred in as amended.

Committee on Finance and Claims: House Bill No. 327, introduced by Appropriations Committee.

Amend by striking out in Section 2, page 3 and lines 51 to 56¼ inclusive of the printed bill, the following words: "All State Offices, Boards, Institutions or Commissions, which come under the supervision of the State Examiners Office for examination shall pay out of their respective appropriations, to the State Treasurer the sum of fifteen dollars per day for each examiner employed for the time actually consumed in making such examination, which fees, shall be credited to the State Examiner's Fund for the use and benefit of the General Fund. It shall be the duty of the State Examiner to notify the State Treasurer of the amounts due as fees from the various offices, boards and commissions examined."

Recommend that the same be concurred in as amended.

Committee on Finance and Claims: House Bill No. 360, introduced by Appropriations Committee:

Amend by striking out all of line 18, "Tuberculosis Sanitarium" and the figures "\$53.65."

Recommend same be concurred in as amended.

Committee on Banks and Banking: House Bill No. 178, introduced by Myrick, Pilgeram and Bricker:

Amend in Section 2 by striking out all of the words following the words "Authorizing such foreclosure" being part of line 24 and all of lines 25 and 26 (which is next to the last line of said section in the printed bill) and by inserting in line 21, (Being line 4 of the printed bill) after the word "same" the following: "Under the provisions of this Act."

Amend Section 3 by inserting in line 29, (Which is line 2 of the printed bill) after the word "foreclosure" the following: "under the provisions of this Act."

Amend Section 7 by striking out in line 31 the second word "that" and insert the word "the."

Amend Section 8 by striking out all of said Section 8 and inserting in lieu thereof the following: "Section 8. Mailing Notice. The mortgagee, his agent, or his attorney conducting the foreclosure, shall file with the County Clerk and Recorder of the county where the sale is to be held, at least five weeks prior to the date of sale, sufficient copies of the notice of sale for mailing under this section and his affidavit giving, according to the best of his knowledge, information and belief, the name and present or last known address of each of the following persons, the mortgagor, each subsequent grantee of the mortgaged premises, and all other persons having any estate or interest in said premises, or lien thereon of record subsequent to the mortgage. The County Clerk and Recorder shall at least four weeks prior to the date of the sale, send a copy of the notice of sale by registered mail, demanding a return to each person named in such affidavit at the address therein given. The County Clerk and Recorder shall prepare a certificate certifying that said affidavit has been filed with him, and that he has complied with the provisions of this section, and giving the names and addresses of the persons to whom he has mailed a copy of the notice of sale, which certificate shall be prima facie evidence of the facts stated therein. After the sale he shall file said affidavit, certificate, the registry receipts and all returned receipts of the addresses; and the same shall remain on file until sheriff's deed is issued. He shall be paid by the mortgagee two dollars and the expense of searching the records and mailing.

The sheriff shall not hold the sale until a certified copy of said certificate showing that this section has been complied with has been delivered to him.

Amend section 9, by inserting in line 3 (which is line 2 of the printed bill) after the word "county," the following: "At the front door of the Court House."

Amend Section 10, by striking out in line 12 (which is line 5 of the printed bill) the word "are" and inserting the word "is." Also amend Section 10 by striking out the letter "s" from the word "bidders" in line 13, (which is line 5 of the printed bill) and changing the word "desire" to read "desires."

Amend Section 13, by striking out in line 2 (which is in lines one and two of the printed bill) the words "within one year from the day of sale" and by striking out in line 5 (which is line 4 of the printed bill) all following



the word "execution," and by striking out all of lines 7 to 15 (which is lines 5 to 11 in the printed bill) both lines inclusive.

Amend Section 16 by striking out all of said Section 16, and inserting in lieu thereof the following:

Section 16. Proceeds of Sale and Surplus. The proceeds of the sale shall be used by the sheriff making it to satisfy first the costs of the sale, and then the mortgage. Any surplus then remaining shall be retained by such sheriff for thirty days and then paid over to subsequent lien holders in order of priority and then to the owner of the equity redemption. If, however, the sheriff be in doubt as to who are entitled to the surplus, or if any notice of claim thereto be filed with him within thirty days, towards the payment of which he does not apply the surplus, or if any person claiming an interest therein so demanded in writing, then the sheriff shall hold or pay the surplus into court, in proceedings appropriate to secure an adjudication of rights in the surplus and a distribution thereof."

Amend Section 20, by striking out in line 29, (which is line 7 of the printed Bill) the words "within 30 days after sale" and inserting in lieu thereof "before the day fixed or appointed to make the sale."

Amend Section 23 by inserting in line 10, after the word "costs," the words "and disbursements."

And as so amended we recommend that the same be concurred in.

Very Respectfully,

J. F. CONE, Secretary of the Senate."

### THIRD READING OF SENATE BILLS.

Moved by Gullidge, duly seconded and unanimously carried that all bills on third reading be read by title and history only.

S. B. No. 129, by Paul, Dowlin and Clark, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Bohling, Bosley, Bray, Buchanan, Buell, Burke, Buttleman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cowley, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Elliott, English, Flynn, Fulsher, Goodman, Gullidge, Hanson, Harris, Hawley, Holton, Joffray, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Ruffcorn, Sandy, Seidensticker, Smetthurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Tawney, Terrett, Tierney, Troy, Wold, Mr. Speaker. Total—83.

Noes: Facey. Total—1.

Absent and not voting: Bernard, Boorman, Brandjord, Bricker, Duffy, Gillette, Gillin, Hamilton, Hoffman, Johnson, McCarty, Perrine, Roscow, Scharnikow, Taylor, Zuck. Total—16.

S. B. No. 180, by Committee on Banks and Banking, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Bohling, Brandjord, Bray, Buell, Buttleman, Cady, Caplis, Carlson (Gallatin), Cavanaugh, Clarke, Cowley, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Elliott, English, Flynn, Fulsher, Goodman, Gullidge, Hanson, Harris, Hawley, Hoffman, Holton, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Lease, Leavens, Loble, McCormack, McLeod, Maury, Murphy, Mushbach, Nelson, O'Connell, Oker, Ostby, Peden, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Ruffcorn, Scharnikow, Seidensticker, Smetthurse, Smith, Spencer, Stoddard, Strange, Swift, Taylor, Tawney, Troy, Terrett, Tierney, Wold, Zuck, Mr. Speaker. Total—77.

Noes: Burke, Facey, Larsen (Sheridan), Stoner. Total—4.

Absent and not voting: Bernard, Boorman, Bosley, Bricker, Buchanan, Carlson (McCone), Duffy, Gillette, Gillin, Hamilton, Joffray, Johnson, Lemmon, McAfee, McCarty, Myrick, Perrine, Roscow, Sandy. Total—19.

## SPECIAL ORDER—CONSIDERATION OF SENATE BILL NO. 43

Moved by Gullidge, duly seconded and carried that the House resolve itself into a Committee of the Whole for the consideration of Senate Bill No. 43, under the same time restrictions as have been in force during the past week.

Cronk in the chair.

Committee arose.

Mr. Speaker Pro Tem in the chair.

The Committee of the Whole reported as follows:

“Mr. Speaker:

We, your Committee of the Whole, having had under consideration, Senate Bill No. 43, respectfully report back with the recommendation that Senate Bill No. 43 be concurred in.

CRONK, Chairman.”

On motion of Cronk, report adopted.

## THIRD READING OF SENATE BILLS

Mr. Speaker in the chair.

S. B. No. 149, by Mains, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrew, Andrus, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Brandjord, Bray, Buchanan, Buell, Buttleman, Cady, Caplis, Carlson (McCone), Cavanaugh, Clarke, Cowley, Cronk, Davis (Wibaux), Dean, Dell, Denny, Elliott, English, Facey, Flynn, Fulsher, Goodman, Gullidge, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, Oker, Ostby, Peden, Pilgeram, Pope, Rasmussen, Ridle, Ruffcorn, Sandy, Seidensticker, Smethurst, Smith, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Troy, Wold, Zuck, Mr. Speaker. Total—80.

Noes: Armstrong, Burke, McCarty. Total—3.

Absent and not voting: Boorman, Bosley, Bricker, Carlson (Gallatin), Davis (Fergus), Duffy, Gillette, Gillin, Hamilton, O'Connell, Perrine, Rodgers, Roscow, Scharnikow, Spencer, Stoddard, Tierney. Total—17.

S. B. No. 201, by Committee on Education, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrew, Andrus, Arnold, Baker, Benedict, Bernard, Bohling, Brandjord, Bray, Burke, Buttleman, Cady, Caplis, Carlson (McCone), Clarke, Cowley, Cronk, Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, Oker, Ostby, Peden, Perrine, Pope, Rasmussen, Ridle, Rodgers, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smith, Strange, Swift, Taylor, Tawney, Terrett, Troy, Mr. Speaker. Total—73.

Noes: Holton, McCormack, Pilgeram, Smethurst, Stoner. Total—5.

Absent and not voting: Armstrong, Bergstrom, Berryman, Boorman, Bosley, Bricker, Buchanan, Buell, Carlson (Gallatin), Cavanaugh, Davis (Fergus), Gillette, Gillin, McAfee, McCarty, O'Connell, Roscow, Spencer, Stoddard, Tierney, Wold, Zuck. Total—22.

Mr. Speaker named the following conference committees:

House Bill No. 196: McCormack, Holton, Carlson of Gallatin.

House Bill No. 40: Swift, Facey and Pope.

S. B. No. 186, by Committee on Education, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bohling, Buchanan, Burke, Buttleman, Cady, Caplis, Carlson (McCone), Clarke, Cowley, Cronk, Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Goodman, Gullidge, Hamilton, Harris, Hawley, Hoffman, Holton, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Lemmon, Loble, McCormack, McLeod, Maury, Murphy, Mushbach, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smet-



hurst, Smith, Spencer, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Wold, Mr. Speaker. Total—74.

Noes: None.

Absent and not voting: Bernard, Berryman, Boorman, Bosley, Brandjord, Bray, Bricker, Buell, Carlson (Gallatin), Cavanaugh, Davis (Fergus), Gillette, Gillin, Hanson, Joffray, Kenyon, Leavens, McAfee, McCarty, Myrick, Nelson, Rodgers, Roscow, Stoddard, Troy, Zuck. Total—26.

S. B. No. 79, by Porter, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Armstrong, Arnold, Baker, Bergstrom, Berryman, Bohling, Buchanan, Buttleman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Goodman, Gullidge, Hamilton, Harris, Hawley, Hoffman, Holton, Johnson, Kelly (Pondera), Kennedy, Kinville, Larson (Richland), Lease, Lemmon, Loble, McLeod, Maury, Murphy, Mushbach, Nelson, O'Connell, Oker, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Wold, Mr. Speaker. Total—69.

Noes: Burke, Larsen (Sheridan), Stoner. Total—3.

Absent and not voting: Andrew, Andrus, Benedict, Bernard, Boorman, Bosley, Brandjord, Bray, Bricker, Buell, Cowley, Gillette, Gillin, Hanson, Joffray, Kelly (Silver Bow), Kenyon, Leavens, McAfee, McCarty, McCormack, Myrick, Ostby, Rodgers, Roscow, Stoddard, Troy, Zuck. Total—28.

S. B. No. 85, by Porter, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Armstrong, Baker, Benedict, Bohling, Buchanan, Buttleman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cowley, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Goodman, Gullidge, Hamilton, Harris, Hawley, Hoffman, Holton, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Strange, Swift, Taylor, Tawney, Wold, Mr. Speaker. Total—72.

Noes: Burke, Ostby, Stoner. Total—3.

Absent and not voting: Andrew, Andrus, Arnold, Bergstrom, Bernard, Berryman, Boorman, Bosley, Brandjord, Bray, Bricker, Buell, Cronk, Gillette, Gillin, Hanson, Joffray, Kenyon, McAfee, McCarty, Peden, Roscow, Stoddard, Troy, Zuck. Total—25.

S. B. No. 82, by Greenup, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Baker, Arnold, Benedict, Berryman, Bohling, Boorman, Brandjord, Buchanan, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cowley, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Elliott, English, Flynn, Fulsher, Goodman, Gullidge, Hamilton, Hawley, Hoffman, Joffray, Kennedy, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Lemmon, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, Oker, Pilgeram, Pope, Rasmussen, Ridle, Ruffcorn, Seidensticker, Smith, Stoner, Taylor, Tawney, Tierney, Wold, Mr. Speaker. Total—58.

Noes: Armstrong, Bosley, Burke, Facey, Harris, Holton, Kelly (Pondera), Kelly (Silver Bow), McCormack, O'Connell, Ostby, Strange, Swift. Total—13.

Absent and not voting: Andrew, Andrus, Bergstrom, Bernard, Bray, Bricker, Buell, Duffy, Gillette, Gillin, Hanson, Johnson, Kenyon, Leavens, Loble, McAfee, McCarty, Peden, Perrine, Rodgers, Roscow, Sandy, Scharnikow, Smethurst, Spencer, Stoddard, Terrett, Troy, Zuck. Total—29.

Moved by Scharnikow, duly seconded and carried that Senate Bill No. 64 be referred to General Orders.

S. B. No. 171, by Mears, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrew, Armstrong, Baker, Benedict, Bohling, Brandjord, Bray, Burke, Cady, Caplis, Carlson (McCone), Cavanaugh, Clarke, Cowley, Davis (Fer-



gus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Flynn, Fulsher, Goodman, Hamilton, Harris, Hawley, Hoffman, Joffray, Kennedy, Larson (Richland), Leavens, Lemmon, Loble, McAfee, McLeod, Maury, Murphy, Nelson, O'Connell, Oker, Ostby, Rodgers, Scharnikow, Seidensticker, Smethurst, Spencer, Stoddard, Taylor, Tawney, Terrett, Wold, Mr. Speaker. Total—52.

Noes: Andrus, Arnold, Berryman, Bosley, Buchanan, Elliott, English, Facey, Buttleman, Carlson (Gallatin), Cronk, Gullidge, Holton, Kelly (Pondera), Kelly (Silver Bow), Kenyon, Kinville, Larsen (Sheridan), McCarty, McCormack, Myrick, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Ruffcorn, Smith, Stoner, Strange, Swift, Tierney, Troy. Total—33.

Absent and not voting: Bergstrom, Bernard, Boorman, Bricker, Buell, Gillette, Gillin, Hanson, Johnson, Lease, Mushbach, Peden, Roscow, Sandy, Zuck. Total—15.

S. B. No. 104, by Peterson, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrew, Andrus, Arnold, Baker, Benedict, Bernard, Berryman, Bohlman, Boorman, Bosley, Brandjord, Bray, Buchanan, Buttleman, Caplis, Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Duffy, Elliott, Facey, Fulsher, Goodman, Hamilton, Hanson, Hawley, Holton, Joffray, Johnson, Kennedy, Kenyon, Kinville, Larsen (Sheridan), Lease, Lemmon, Loble, McLeod, Maury, Mushbach, Myrick, Nelson, Oker, Ostby, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Ruffcorn, Scharnikow, Seidensticker, Smith, Stoddard, Stoner, Strange, Taylor, Tawney, Terrett, Tierney, Troy, Mr. Speaker. Total—66.

Noes: Armstrong, Burke, Cowley, Hoffman, Kelly (Silver Bow), McAfee, O'Connell. Total—7.

Absent and not voting: Bergstrom, Bricker, Buell, Cady, Carlson (Gallatin), Carlson (McCone), Denny, English, Flynn, Gillette, Gillin, Gullidge, Harris, Kelly (Pondera), Larson (Richland), Leavens, McCarty, McCormack, Murphy, Peden, Roscow, Sandy, Smethurst, Spencer, Swift, Wold, Zuck. Total—27.

### SPECIAL ORDER

#### CONSIDERATION OF SENATE BILLS NOS. 123, 113, 124, 144, 137

Moved by Oker, duly seconded and carried that the House resolve itself into a Committee of the Whole for the consideration of Special Orders; that the same time restrictions be imposed as were in force during the past few days; and that there may be no extension of time.

Smith in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole, having had under consideration bills on General Orders, respectfully report back with the recommendation that:

S. B. No. 123: Be concurred in.

S. B. No. 113: Be amended as follows:

Section 13 by adding the following: "provided, that before any bonds shall be issued to refund outstanding warrants the question of issuing such refunding bonds must be submitted to and approved by the Irrigation District Bond Commission whose approval shall be given only upon a fund by such commission of the legality of the warrants sought to be refunded."

Section 7 by striking from the committee amendment the words: "ten percent of the land owners in any district, either in acreage or numbers" and inserting in lieu thereof the following words: "one third in number and acreage of the holders of title or evidence of title to lands within the district."

Section 7, lines 27 and 28 by striking out after the word "least" ("a majority") and substituting therefore the words (sixty per cent).

Section 7 by striking out the last paragraph of said section as amended, to-wit, the Committee amendment, and inserting in lieu thereof, the following words: "The Board of Commissioners may request, or 30 per cent in number

and acreage of the holders of title or evidence of title to the lands within the district may petition, the Irrigation District Bond Commission to investigate and report upon the proposed plans of the district and upon the advisability of any proposed issue of bonds for the acquisition of existing works, or the construction of proposed works, as the case may be. Upon said request being made by said board or upon the filing of such a petition, with said commission, and the deposit with the said Irrigation District Bond Commission of such sum of money as may be estimated by said commission to be necessary to meet the expenses of the performance of such work by said commission and if the report of the district engineer called for by Section 7174 of this Code, or if, in the absence thereof, the engineering work and the preparation of plans aer in the opinion of the Irrigation District Bond Commission, sufficiently advanced to enable said commission to judge of the merits thereof, then it shall be the duty of the latter to investigate and report on all relevant matters within six months after the receipt of such petition or request and receipt of such money. Such report shall be filed with the board of commissioners of the district, and thereupon it shall be the duty of the secretary of said district to give notice to the owners of said lands within the district of the filing thereof, and said report shall be open to inspection as a public document. The commission shall, upon request, furnish to the petitioners copies of their written report.

Provided, however, that where bonds are proposed to be issued for the sole purpose of funding or paying outstanding warrants, such bonds may be issued on resolution of the Board of commissioners as set forth in section 7226 of this Code, provided the same be submitted to the District Court for approval and confirmation and be approved and confirmed by the court. The application to the Court and the proceeding thereon shall be conducted in the manner provided for in Section 7211 of this Code, in so far as the same may be applicable."

And when so amended, be concurred in.

S. B. No. 124: Be concurred in.

S. B. No. 144: Be concurred in.

S. B. No. 137: That the enacting clause be stricken out.

SMITH, Chairman."

Moved by Smith, duly seconded, that the report be adopted.

Moved by Pope, duly seconded and carried that Senate Bill No. 113 be segregated from the report of the committee of the Whole.

Question arising on motion to adopt report of Committee of the Whole with the exception of S. B. No. 113 same carried.

Moved by Pope, duly seconded and carried that Senate Bill No. 113 be placed at the head of the list on General Orders.

### THIRD READING OF SENATE BILLS

S. B. No. 41, by Kirton, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrus, Benedict, Bernard, Bohling, Bray, Bricker, Buchanan, Buttleman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Davis (Wibaux), Dean, Dell, Elliott, English, Flynn, Goodman, Hawley, Hoffman, Johnson, Kelly (Silver Bow), Kinville, Larson (Richland), Lease, Lemmon, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, Oker, Ostby, Peden, Pope, Rodgers, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smith, Spencer, Stoddard, Swift, Taylor, Tawney, Troy. Total—53.

Noes: Armstrong, Arnold, Berryman, Bosley, Burke, Cowley, Cronk, Davis (Fergus), Duffy, Facey, Fulsher, Holton, Kelly (Pondera), Larsen (Sheridan), McAfee, O'Connell, Pilgeram, Ridle, Smethurst, Stoner, Terrett, Tierney, Wold, Mr. Speaker. Total—24.

Absent and not voting: Andrew, Baker, Bergstrom, Boorman, Brandjord, Buell, Denny, Gillette, Gillin, Gullidge, Hamilton, Hanson, Harris, Joffray, Kennedy, Kenyon, Leavens, Loble, Perrine, Rasmussen, Roscow, Strange, Zuck. Total—23.

S. B. No. 43, by Siegfriedt, having been read three several times and title and history agreed to, was concurred in by the following vote:



Ayes: Andrus, Armstrong, Arnold, Benedict, Bernard, Berryman, Bohling, Bosley, Brandjord, Bray, Bricker, Buchanan, Burke, Buttleman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cowley, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Duffy, Elliott, English, Flynn, Fulsher, Goodman, Harris, Hawley, Hoffman, Holton, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Ruffcorn, Sandy, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Mr. Speaker. Total—82.

Noes: None.

Absent and not voting: Andrew, Baker, Bergstrom, Boorman, Buell, Denny, Facey, Gillette, Gillin, Gullidge, Hamilton, Hanson, Joffray, Loble, Roscow, Scharnikow, Strange, Zuck. Total—18.

Upon request of Lease, and with unanimous consent reverted to:

### INTRODUCTION OF BILLS AND MEMORIALS

The following bills were introduced, read first and second times and referred to committees as follows:

H. B. No. 401, by Appropriations Committee: "A Bill for an Act entitled: 'An Act appropriating money for the operation and maintenance of the office of the State Fire Marshall to be paid from the State Fire Marshall's Fund for the period beginning July 1st 1923, to June 30th, 1925'." (Committee on Appropriations).

H. B. No. 402, by Appropriations Committee: "A Bill for an Act entitled: 'An Act appropriating money for the operation and maintenance of certain of the boards, commissions and departments of the State of Montana for the period beginning July 1st, 1923, and ending June 30th, 1925'." (Committee on Appropriations).

H. B. No. 403, by Appropriations Committee: "A Bill for an Act entitled: 'An Act appropriating money for the operation and maintenance of the State Board of Equalization for the period beginning February 3, 1923 and ending June 30, 1925'." (Committee on Appropriations).

The members of the Appropriations Committee were excused for Committee work.

"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration H. B. No. 400, introduced by the Appropriations Committee, "An Act appropriating money for the operation and maintenance of certain of the state institutions of the State of Montana for the period beginning July 1st, 1923, to June 30th, 1925," respectfully report as follows:

That H. B. No. 400 do pass.

BUELL, Chairman."

On motion of Perrine, report adopted.

"Mr. Speaker:

We, your Joint Conference Committee on Banks and Banking, having had under consideration, Senate Amendments to House Bill No. 131, A Bill for an Act entitled: "An Act to amend Section 6105 of the Revised Codes of Montana of 1921, relating to compensation and expenses of the State Examiner," respectfully report as follows:

That Senate Amendments to House Bill No. 131 be concurred in.

OLIVER,  
LOY,  
GREENING.  
JOHNSON,  
BUELL,  
GOODMAN."



On motion of Perrine, report adopted.

Conference Committee on Senate Bill No. 67, being requested by Senate, moved by Gullidge, duly seconded and carried that a conference committee be appointed to meet with a like committee from the Senate.

### THIRD READING OF SENATE BILLS

Moved by Oker, duly seconded and carried that Senate Amendments to H. B. No. 112, be considered read.

Senate Amendments to H. B. No. 112, were concurred in by the following vote:

Ayes: Andrew, Arnold, Benedict, Berryman, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Burke, Buttleman, Cady, Caplis, Carlson (McCone), Cavanaugh, Clarke, Cowley, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, English, Facey, Flynn, Fulsher, Goodman, Gullidge, Hoffman, Holton, Joffray, Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lemmon, McAfee, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Mr. Speaker. Total—73.

Noes: None.

Absent and not voting: Andrus, Armstrong, Baker, Bergstrom, Bernard, Bohling, Buell, Carlson (Gallatin), Elliott, Gillette, Cronk, Gillin, Hamilton, Hanson, Harris, Hawley, Johnson, Kelly (Pondera), Lease, Leavens, Loble, McCarty, Rodgers, Roscow, Strange, Wold, Zuck. Total—27.

"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration H. B. No. 403, introduced by Appropriations Committee, "An Act appropriating money for the operation and maintenane of the State Board of Equalization for the period beginning Feb. 3, 1923 and ending June 30th, 1925," respectfully report as follows:

That H. B. No. 403 do pass.

BUELL, Chairman."

On motion of Lease, report adopted.

"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration H. B. No. 401, introduced by Appropriations Committee, "An Act appropriating money for the operation and maintenance of the office of the State Fire Marshall to be paid from the State Fire Marshall's Fund for the period beginning July 1st, 1923 to June 30th, 1925," respectfully report as follows:

That H. B. No. 401, do pass.

BUELL, Chairman."

On motion of Lease, report adopted.

"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration H. B. No. 402, introduced by Appropriations Committee, "An Act appropriating money for the operation and maintenance of certain of the Boards, Commissions and departments of the State of Montana for the period beginning July 1st, 1923, and ending June 30th, 1925," respectfully report as follows:

That H. B. No. 402 do pass.

BUELL, Chairman."

On motion of Lease, report adopted.

Mr. Speaker ruled that adoption of report of Conference Committee on Senate amendments to H. B. No. 198, this morning had the effect of concurrence in amendments agreed upon.

Senate amendments to H. B. No. 367, were concurred in by the following vote:

Ayes: Andrew, Armstrong, Arnold, Benedict, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, English, Flynn, Goodman, Gullidge, Hanson, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Loble, McAfee, McCarty, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Rasmussen, Ridle, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Troy, Wold, Mr. Speaker. Total—77.

Noes: None.

Absent and not voting: Andrus, Baker, Bergstrom, Bernard, Buell, Cowley, Elliott, Facey, Fulsher, Gillette, Gillin, Hamilton, Harris, Kelly (Pondera), Leavens, Lemmon, McCormack, Pope, Rodgers, Roscow, Ruffcorn, Tierney, Zuck. Total—23.

Senate amendments to H. B. No. 263, were concurred in by the following vote:

Ayes: Andrew, Andrus, Arnold, Benedict, Berryman, Bohling, Boorman, Bosley, Brandjord, Bricker, Buchanan, Burke, Buttelman, Cady, Caplis, Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Duffy, Elliott, English, Facey, Flynn, Goodman, Gullidge, Hawley, Joffray, Johnson, Kelly (Silver Bow), Kennedy, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Lemmon, Loble, McAfee, McCarty, McLeod, Maury, Mushbach, Murphy, Myrick, Nelson, O'Connell, Oker, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Sandy, Scharnikow, Seidensticker, Smith, Spencer, Stoddard, Stoner, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Mr. Speaker. Total—72.

Noes: Armstrong. Total—1.

Absent and not voting: Baker, Bergstrom, Bernard, Bray, Buell, Carlson (Gallatin), Cowley, Denny, Fulsher, Gillette, Gillin, Hamilton, Hanson, Harris, Hoffman, Holton, Kelly (Pondera), Kenyon, Leavens, McCormack, Ostby, Rodgers, Roscow, Ruffcorn, Smethurst, Strange, Zuck. Total—27.

Senate amendments to Sub. H. B. No. 138, were concurred in by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Benedict, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Burke, Buttelman, Cady, Caplis, Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Elliott, English, Flynn, Goodman, Gullidge, Hanson, Hawley, Hoffman, Joffray, Johnson, Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Lease, Lemmon, Loble, McAfee, McCarty, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Strange, Swift, Taylor, Tawney, Terrett, Wold. Total—72.

Noes: Carlson (McCone), Facey, Larsen (Sheridan), Stoner, Mr. Speaker. Total—5.

Absent and not voting: Baker, Bergstrom, Buell, Carlson (Gallatin), Cowley, Denny, Duffy, Fulsher, Gillette, Gillin, Hamilton, Harris, Holton, Kelly (Pondera), Leavens, McCormack, O'Connell, Rodgers, Roscow, Ruffcorn, Tierney, Troy, Zuck. Total—23.

Moved by Taylor, duly seconded and carried, that Senate amendments to Sub. H. B. No. 138 be considered read at length.

The following communications from the Senate was read:

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that on motion duly made and seconded House Bill No. 49 is requested for further consideration.

Respectfully,

J. F. CONE, Secretary of the Senate."

Moved by Rodgers, duly seconded and carried, that the Conference Committee on Senate Bill No. 49 be discharged and the bill returned to the Senate.

Senate amendments to H. B. No. 19 were concurred in by the following vote:

Ayes: Andrew, Andrus, Arnold, Benedict, Bohling, Bosley, Brandjord, Bricker, Buttelman, Cady, Caplis, Cavanaugh, Dell, Duffy, Elliott, English,

Facey, Flynn, Gullidge, Hawley, Davis (Wibaux), Hoffman, Johnson, Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Lease, Lemmon, Loble, McAfee, McCarty, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Scharnikow, Seidensticker, Smith, Spencer, Stoddard, Swift, Taylor, Terrett, Troy, Wold, Mr. Speaker. Total—59.

Noes: Armstrong, Boorman, Buchanan, Carlson (McCone), Clarke, Davis (Fergus), Goodman, Larsen (Sheridan), Sandy. Total—9.

Absent and not voting: Baker, Bergstrom, Bernard, Berryman, Bray, Buell, Burke, Carlson (Gallatin), Cowley, Cronk, Dean, Denny, Fulsher, Gillette, Gillin, Hamilton, Hanson, Harris, Holton, Joffray, Kelly (Pondera), Leavens, McCormack, Perrine, Roseow, Ruffcorn, Smethurst, Stoner, Strange, Tawney, Tierney, Zuck. Total—32.

Moved by Brandjord, duly seconded and carried, that the House reconsider its action in concurring in Sub. for Senate Bill No. 82.

Moved by Rodgers, duly seconded and carried, that the House request the Senate to return Substitute for Senate Bill No. 82 for further consideration in the House.

Moved by Gullidge, duly seconded and carried, that the House recess until 8:00 p. m.

### EVENING SESSION.

House resumed at 8:00 p. m.

Mr. Speaker in the chair.

### THIRD READING OF SENATE BILLS.

Senate amendments to H. B. No. 115 were concurred in by the following vote:

Ayes: Andrew, Andrus, Armstrong, Benedict, Bergstrom, Berryman, Brandjord, Bray, Buchanan, Buell, Cady, Cavanaugh, Cronk, Davis (Fergus), Davis (Wibaux), Dell, Denny, Elliott, Flynn, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Joffray, Johnson, Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Leavens, McAfee, McLeod, Maury, Murphy, Mushbach, Oker, Ostby, Peden, Pilgeram, Pope, Sandy, Scharnikow, Smith, Spencer, Stoner, Swift, Terrett, Tierney, Troy, Wold, Zuck, Mr. Speaker, Myrick. Total—57.

Noes: None.

Absent and not voting: Arnold, Baker, Bernard, Bohling, Boorman, Bosley, Bricker, Burke, Buttelman, Caplis, Carlson (Gallatin), Carlson (McCone), Clarke, Cowley, Dean, Duffy, English, Facey, Fulsher, Gillette, Gillin, Holton, Kelly (Pondera), Kelly (Silver Bow), Lease, Lemmon, Loble, McCarty, McCormack, Nelson, O'Connell, Perrine, Rasmussen, Ridle, Rodgers, Roseow, Ruffcorn, Seidensticker, Smethurst, Stoddard, Strange, Taylor, Zuck. Total—43.

The Printing Committee reported as follows:

"Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bills Nos. 391, 393, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman."

Senate amendments to H. B. No. 69 were concurred in by the following vote:

Ayes: Andrew, Baker, Benedict, Bergstrom, Bernard, Bosley, Brandjord, Bray, Bricker, Buchanan, Buttelman, Cady, Cavanaugh, Clarke, Cronk, Davis (Fergus), Dean, Dell, Denny, Duffy, Elliott, Flynn, Goodman, Gullidge, Hanson, Harris, Hawley, Hoffman, Joffray, Johnson, Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, McAfee, McLeod, Murphy, Mushbach, Myrick, Oker, Ostby, Peden, Perrine, Pilgeram, Rasmussen, Ridle, Rodgers, Ruffcorn, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Taylor, Terrett, Troy, Wold, Mr. Speaker. Total—65.

Noes: Armstrong, Burke. Total—2.

Absent and not voting: Andrus, Arnold, Berryman, Bohling, Boorman, Buell, Caplis, Carlson (Gallatin), Carlson (McCone), Cowley, Davis (Wibaux), English,



Facey, Fulsher, Gillette, Gillin, Hamilton, Holton, Kelly (Pondera), Loble, McCarty, McCormack, Maury, Nelson, O'Connell, Pope, Roscow, Sandy, Strange, Swift, Tawney, Tierney, Zuck. Total—33.

Moved by Gullidge, duly seconded and unanimously carried, that amendments to Sub. for H. B. No. 257 be considered read at length.

Senate amendments to Sub. for H. B. No. 257 were concurred in by the following vote:

Ayes: Andrew, Andrus, Armstrong, Baker, Benedict, Bergstrom, Bernard, Berryman, Bosley, Brandjord, Bray, Bricker, Buchanan, Buell, Burke, Buttelman, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Gullidge, Hanson, Hawley, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larsen (Sheridan), Lease, Leavens, Lemmon, McAfee, McCarty, McLeod, Murphy, Oker, Ostby, Peden, Rodgers, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Spencer, Stoddard, Stoner, Taylor, Tawney, Terrett, Tierney, Wold. Total—67.

Noes: Cady, Harris, Larson (Richland), Maury, Mushbach, Myrick, Nelson, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Smith, Troy, Mr. Speaker. Total—15.

Absent and not voting: Arnold, Bohling, Boorman, Caplis, Cowley, Fulsher, Gillette, Gillin, Goodman, Hamilton, Hoffman, Loble, McCormack, O'Connell, Roscow, Strange, Swift, Zuck. Total—18.

Upon request of Lease, and with unanimous consent, reverted to:

### INTRODUCTION OF BILLS AND MEMORIALS.

The following bills were introduced, read first and second times and referred to committees as follows:

H. B. No. 404, by Appropriations Committee: "A Bill for an Act entitled: 'An Act appropriating money for the operation and maintenance of the department of hail insurance and for the payment of losses to be paid from the State hail insurance fund for the period beginning July 1st, 1923, to July 30th, 1925.'" (Committee on Appropriations.)

H. B. No. 405, by Appropriations Committee: "A Bill for an Act entitled: 'An Act appropriating money for the operation and maintenance of certain of the State boards, commissions and departments of the State of Montana for the period beginning July 1st, 1923, and ending June 30th, 1925.'" (Committee on Appropriations.)

H. B. No. 406, by Appropriations Committee: "A Bill for an Act entitled: 'An Act appropriating money for the operation and maintenance of certain of the State departments of the State of Montana for the period beginning July 1st, 1923, to June 30th, 1925.'" (Committee on Appropriations.)

H. B. No. 407, by Appropriations Committee: "A Bill for an Act entitled: 'An Act to appropriate money for the operation and maintenance of certain of the State boards and commissions of the State of Montana for the period beginning July 1, 1923, to June 30, 1925.'" (Committee on Appropriations.)

H. B. No. 408, by Appropriations Committee: "A Bill for an Act entitled: 'An Act appropriating money for the operation and maintenance of certain of the State boards, commissions and departments of the State of Montana for the period beginning July 1st, 1923, and ending June 30, 1925.'" (Committee on Appropriations.)

### THIRD READING OF SENATE BILLS.

Senate amendments to H. B. No. 111, were concurred in by the following vote:

Ayes: Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Bohling, Bosley, Bricker, Buchanan, Buell, Burke, Buttelman, Cady, Carlson (Gallatin), Carlson (McCone), Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Denny, Flynn, Boorman, Goodman, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Larson

(Richland), Lease, Leavens, Lemmons, Loble, McAfee, McCarty, McLeod, Maury, Mushbach, Myrick, Oker, Ostby, Peden, Perrine, Pope, Rasmussen, Ridle, Rodgers, Roscow, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Tierney, Wold, Mr. Speaker. Total—71.

Noes: Larsen (Sheridan). Total—1.

Absent and not voting: Andrew, Bernard, Brandjord, Bray, Caplis, Cavanaugh, Cowley, Dell, Duffy, Elliott, English, Facey, Fulsher, Gillette, Gillin, Gullidge, Kelly (Silver Bow), Kinville, McCormack, Murphy, Nelson, O'Connell, Pilgeram, Ruffcorn, Tawney, Terrett, Troy, Zuck. Total—28.

Upon request of Pilgeram, and with unanimous consent reverted to:

### INTRODUCTION OF BILLS AND MEMORIALS.

The following bills were introduced, read first and second times and referred to committees as follows:

H. B. No. 409, by Pilgeram: "A Bill for an Act entitled: 'An Act to provide for the submission to the qualified electors of the State of Montana of an amendment to the Constitution of the State of Montana by adding thereto an article to be known as Article XXI, providing for the payment of adjusted compensation to bona fide residents of the State of Montana who served on active duty in the World war and to such of said persons who being citizens of the United States served in the naval, military or air forces of any of the government's associated with the United States during said war, and authorizing the incurring of an indebtedness; authorizing the issuing of bonds providing for the levy of a tax.'" (Committee on Constitutional Amendments.)

### REPORTS OF COMMITTEES.

"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration H. B. No. 404, introduced by Appropriations Committee, "An Act appropriating money for the operation and maintenance of the department of hail insurance and for the payment of losses to be paid from the State hail insurance fund for the period beginning July 1st, 1923, and ending July 30th, 1925," respectfully report as follows:

That H. B. No. 404 do pass.

BUELL, Chairman."

On motion of Sandy, report adopted.

"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration H. B. No. 405, introduced by Appropriations Committee, "An Act appropriating money for the operation and maintenance of certain of the State departments of the State of Montana for the period beginning July 1st, 1923, to June 30th, 1925," respectfully report as follows:

That H. B. No. 405, do pass.

BUELL, Chairman."

On motion of Lease, report adopted.

"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration H. B. No. 406, introduced by Appropriations Committee, "An Act appropriating money for the operation and maintenance of certain of the State departments of the State of Montana for the period beginning July 1st, 1923, to June 30th, 1925," respectfully report as follows:

That H. B. No. 406 do pass.

BUELL, Chairman."

On motion of Lease, report adopted.

"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration H. B. No. 407, introduced by Appropriations Committee, "An Act appropriating money for the operation and maintenance of certain of the boards, commissions and

departments of the State of Montana for the period beginning July 1st, 1923, and ending June 30th, 1925," respectfully report as follows:

That H. B. No. 407 do pass.

BUELL, Chairman."

On motion of Lease, report adopted.

"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration H. B. No. 408, introduced by Appropriations Committee, "An Act appropriating money for the operation and maintenance of certain of the boards, commissions and departments of the State of Montana for the period beginning July 1st, 1923, and ending June 30, 1925," respectfully report as follows:

That H. B. No. 408 do pass.

BUELL, Chairman."

On motion of Lease, report adopted.

### THIRD READING OF SENATE BILLS.

Senate amendments to H. B. No. 279, were concurred in by the following vote:

Ayes: Andrew, Andrus, Armstrong, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Buchanan, Buell, Burke, Buttelman, Cady, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Elliott, English, Facey, Flynn, Gullidge, Hanson, Harris, Hawley, Holton, Joffray, Kelly (Pondera), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Lemmon, Loble, McAfee, McCormack, Maury, Murphy, Mushbach, O'Connell, Oker, Ostby, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Roscow, Ruffcorn, Sandy, Scharnikow, Smethurst, Smith, Spencer, Stoddard, Stoner, Swift, Tawney, Terrett, Troy, Wold, Mr. Speaker. Total—72.

Noes: None.

Absent and not voting: Arnold, Brandjord, Bray, Bricker, Caplis, Cowley, Denny, Duffy, Fulsher, Gillette, Gillin, Goodman, Hamilton, Hofiman, Johnson, Kelly (Silver Bow), Leavens, McCarty, McLeod, Myrick, Nelson, Peden, Rodgers, Seidensticker, Strange, Taylor, Tierney, Zuck. Total—28.

"Mr. Speaker:

We, your Conference Committee, having met with a like committee of the Senate on House Bill No. 196, report that we could not agree and ask for our discharge, and the appointment of a new committee.

McCORMACK.

HOLTON.

CARLSON of Gallatin."

On motion of McCormack, report adopted.

Mr. Speaker named a new conference committee: Cronk, Ruffcorn, Bergstrom.

Mr. Speaker also named as conference committee on Senate Bill No. 67: Kenyon, Rodgers, Loble.

S. B. No. 123, by Cowan, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrew, Andrus, Baker, Bergstrom, Bernard, Berryman, Bohling, Brandjord, Bray, Bricker, Buchanan, Buell, Buttelman, Cavanaugh, Clarke, Davis (Fergus), Davis (Wibaux), Elliott, English, Flynn, Gullidge, Hanson, Harris, Hawley, Holton, Joffray, Johnson, Kelly (Pondera), Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCormack, McLeod, Murphy, Mushbach, Myrick, Oker, Ostby, Pilgeram, Pope, Rasmussen, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Smith, Strange, Terrett, Troy. Total—56.

Noes: Armstrong, Benedict, Bosley, Burke, Dean, Dell, Facey, Goodman, Hamilton, Hoffman, Kennedy, Maury, O'Connell, Perrine, Ridle, Spencer, Stoner, Swift, Tawney, Mr. Speaker. Total—20.

Absent and not voting: Arnold, Boorman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cowley, Cronk, Denny, Duffy, Fulsher, Gillette, Gillin, Kelly



(Silver Bow), McCarty, Nelson, Peden, Seidensticker, Smethurst, Stoddard, Taylor, Tierney, Wold, Zuck. Total—24.

S. B. No. 124, by Kane, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrus, Baker, Benedict, Bernard, Berryman, Bohling, Bosley, Bray, Bricker, Buchanan, Buttelman, Carlson (McCone), Clarke, Cronk, Davis (Wibaux), Dell, Denny, Elliott, English, Facey, Flynn, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, McAfee, McCormack, McLeod, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Pilgeram, Pope, Rasmussen, Ruffcorn, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Swift, Taylor, Tawney, Terrett, Troy, Wold, Mr. Speaker. Total—64.

Noes: Andrew, Armstrong, Burke, Davis (Fergus), Dean, Kelly (Silver Bow), Kinville, Perrine, Ridle, Roscow. Total—10.

Absent and not voting: Arnold, Bergstrom, Boorman, Brandjord, Buell, Cady, Caplis, Carlson (Gallatin), Cavanaugh, Cowley, Duffy, Fulsher, Gillette, Gillin, Kennedy, Kenyon, Loble, McCarty, Maury, Peden, Rodgers, Sandy, Scharnikow, Strange, Tierney, Zuck. Total—26.

S. B. No. 144, by Cowan, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Benedict, Bernard, Bohling, Bosley, Brandjord, Bray, Bricker, Buchanan, Buell, Buttelman, Carlson (McCone), Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Elliott, English, Flynn, Goodman, Hawley, Hoffman, Joffray, Johnson, Kelly (Pondera), Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, McCormack, McLeod, Maury, Murphy, Myrick, Nelson, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smith, Spencer, Stoner, Swift, Troy, Wold, Mr. Speaker. Total—62.

Noes: Dell, Facey, Mushbach. Total—3.

Absent and not voting: Baker, Bergstrom, Berryman, Boorman, Burke, Cady, Caplis, Carlson (Gallatin), Cavanaugh, Cowley, Denny, Duffy, Fulsher, Gillette, Gillin, Gullidge, Hamilton, Hanson, Harris, Holton, Kelly (Silver Bow), Kennedy, Lemmon, Loble, McAfee, McCarty, O'Connell, Smethurst, Stoddard, Strange, Taylor, Tawney, Terrett, Tierney, Zuck. Total—35.

The following communication from the Senate was read:

"Helena, Montana, February 28, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that on motion duly seconded the Senate refused to concur in House amendments to Senate Bill No. 41; a conference committee was asked for and the President appointed Senators Kirton, Heren and Walker to act with a like committee from the House for the consideration of House amendments.

Very respectfully,

J. F. CONE, Secretary of the Senate."

Moved by Bricker, duly seconded and carried, that the House appoint a conference of three as requested by the Senate.

Mr. Speaker appointed Davis of Wibaux, Bricker and Stoddard.

#### CONSIDERATION OF GENERAL ORDERS.

Moved by Gullidge, duly seconded and carried, that the House resolve itself into a Committee of the Whole for the consideration of General Orders with the exception of House Bills Nos. 199 and 358, under the same time restrictions as imposed during the past few days.

Bricker in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole, having had under consideration bills on General Orders, respectfully report back with the recommendation that:

H. B. No. 113: Be amended as follows:

By striking from the committee amendment to Section 7 the words "ten per cent, of the land owners in any district, either in acreage or numbers" and by inserting in lieu thereof the following words "the boards of commissioners, or thirty per cent. of the holders of title or evidence of title, in number and acreage, to the lands in any district."

By adding at the end of Section 13 the following words: "Provided, that where bonds shall be issued for the sole purpose of refunding outstanding warrants, the question of the issuance of such bonds must be submitted to and approved by the District Court whose approval shall be given only upon a finding by such court of the legality of such warrants sought to be refunded. The application to the court and the proceeding thereon shall be conducted in the same manner provided for in Section 7211 of this code, in so far as the same may be applicable. If so approved and confirmed, by the court, the approval of the Irrigation District Bond Commission shall not be required," and by striking from said Section 13, in line 35 of the printed bill the words "when such bonds" and the words following down to and including the word "obtained" in line 41.

Section 7 lines 27 and 28 by striking out after the word "least" the words (a majority) and substituting therefor the words sixty per cent.

And when so amended, be concurred in.

S. B. No. 138: That the enacting clause be stricken out.

S. B. No. 26: Be concurred in.

S. B. No. 147: That the enacting clause be stricken out.

S. B. No. 119: Be amended as follows:

By inserting in Section 1, line 8, after the word "assistants;" the words "and counties of the first and second class" and by adding to said section the words "In other counties of classes below the second class the boards of county commissioners may allow to county assessors a greater number of deputies or assistants when the maximum allowed by law for a period of not to exceed two months in each year."

Section 1 by adding in line 5 of the printed bill after the words "this act," the words, "Provided, the salary of no deputy or assistant shall be more than eighty per cent of the salary of the officer under whom such deputy or assistant is serving, unless otherwise provided by law."

And when so amended, be concurred in.

S. B. No. 184: Be amended as follows:

By adding Sections 74, 75, 76, 77, 78 and 79 as follows and by renumbering Section 74 as 80.

Section 74. Any member of the commission may be removed from office by the electors of the county. The procedure for effecting such a removal shall be as follows:

Any elector of the county may make and file an affidavit with the clerk requesting that petitions be issued demanding an election for the recall of any member of the commission. Any such affidavit shall state the name of the person whose removal from the commission is sought and the grounds alleged for such removal. Upon the filing of such an affidavit the clerk shall deliver to the elector making the affidavit copies of petitions papers for demanding such an election, printed copies of which the clerk shall keep on file for distribution as herein provided. In issuing any such petition paper the clerk shall enter in a record to be kept in his office the name of the elector to whom issued, the date of issuance, the number of papers issued, and shall certify on each paper the name of the elector and the date of issuance. No petition paper shall be accepted as part of a petition unless it bear such certification of the clerk and unless filed as hereinafter provided.

Section 75. A petition for a recall election to be effective must be returned and filed with the clerk within thirty days after the filing of the affidavit as provided in last preceding section, and to be sufficient must be signed by at least twenty per centum (20%) of the qualified electors of the county whose names appear on the official register of voters of the county on the date when such petition is returned and filed with the Clerk. If and such petition is insufficient as originally filed it may be amended as provided in this act.

Section 76. If a petition for a recall election, or an amended petition, shall be certified by the clerk to be sufficient he shall at once submit it to the com-



mission with his certificate to that effect and shall notify the member of the commission whose removal is sought of such action. Unless the member whose removal is sought resign within five days after such notice, the commission shall thereupon order and fix a day for holding a recall election. Any such election shall be held not less than ninety nor more than one hundred and twenty days after the petition has been presented to the commission and may be held at the same time as any other election held within such period; but, if no other election be held within such period, the commission shall call a special recall election to be held within the time aforesaid.

Section 77. The question of recalling any number of members of the commission may be submitted at the same election, but as to each member whose removal is sought a separate petition shall be filed and provision shall be made for an entirely separate printed ballot. Candidates to succeed any person whose removal is sought shall be placed in nomination by petition signed, filed and verified as provided for nominating petitions for a municipal primary election; except that each petition paper shall specify that the candidate named herein is a candidate to succeed a particular person whose removal is sought.

Section 103. Voting machines shall not be used in recall elections, and the printed ballots shall be in form substantially as follows:

#### RECALL ELECTION.

County of.....

(Month and day of month), 19.....

Shall (name of person) be removed from the commission by recall?

FOR THE RECALL OF

(Name of person)

AGAINST THE RECALL OF

(Name of person)

CANDIDATE

To succeed (name of person) if recalled.

Vote for but one.

If a majority of the votes cast on the question of recalling a member of the commission as hereinbefore provided be against his recall he shall continue in office for the remainder of his unexpired term, but subject to recall as before. If a majority of such votes be for the recall of such member he shall, regardless of any defect in the recall petition, be deemed removed from office. When a member is removed from the commission by recall the candidate to succeed such member who receives the highest number of votes shall succeed the member so removed for the unexpired term.

Section 78. If a person in regard to whom a recall petition is submitted to the commission shall resign from the office after notice thereof no election shall be held and some eligible person shall be chosen by a majority vote of the remaining members to fill the place for the unexpired term; but the member so resigning shall not be chosen by the commission to succeed himself.

Section 79. No recall petition shall be filed in respect to any member of the commission within three months after he takes office nor in case a member subjected to a recall election and not removed thereby, until at least six months after that election.

And when so amended, be concurred in.

Sub. for S. B. 1 and 19: Be amended as follows:

By adding to said bill sections 9, 10 and 11 as follows:

Section 9. That Section 2161 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

"Section 2161. On or before the third Monday of October he must deliver the original assessment book to the county treasurer, with an affidavit attached thereto, and by him subscribed as follows:

"I.....county clerk of the county of.....do swear that I received the assessment book of the taxable property of the



county from the county assessor, with his affidavit thereto affixed, and that I have corrected it and made it conform to the requirements of the county and state board of equalization; that I have reckoned the respective sums due as taxes, and have added up the columns of valuations, taxes and acreage, as required by law, and the said assessment book to which this affidavit is affixed is full, true, and correct, and made in the manner prescribed by law.”

Section 10. That Section 2163 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

“Section 2163. On delivering the original assessment book to the county treasurer, as provided in section 2161, the county clerk must charge the treasurer with the full amount of taxes levied.”

Section 11. That Section 2165 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

“Section 2165. The county clerk, if the original assessment book or the delinquent tax list is transferred from one collector to another, must credit the one and charge the other with the amount then outstanding on the tax-book.”

Section 1, by striking out in line 27 the word “ten” and inserting in lieu thereof the word “five,” also

Section 2, subdivision 1, by striking out in line 12 the word “ten” and inserting in lieu thereof the word “five.”

Title by adding in line 2 of the printed bill after the word “sections” the figures “2161, 2163, 2165” and striking out in line 4 the figures “2177” and also in section 12 the figures “2177.”

And when so amended, he concurred in.

Sub. H. B. No. 260: Do pass.

H. B. No. 383: Be placed at the bottom of the list on General Orders.

H. B. No. 389: Do pass.

That Committee arise and report with leave to sit again.

BRICKER, Chairman.”

Moved by Bricker, duly seconded that the report be adopted.

Moved by Maury, duly seconded that Senate Bill No. 147 be segregated from the report of the Committee of the Whole.

Pilgeram, seconded by fifteen members demanded a call of the House.

Moved by Larsen of Sheridan, duly seconded and carried that further proceedings under the call of the House be dispensed with.

Pilgeram duly seconded, demanded a roll call, upon which the motion to segregate Senate Bill No. 147 failed, the vote being as follows:

Ayes: Andrew, Andrus, Baker, Burke, Buttleman, Cavanaugh, Davis (Fergus), Denny, English, Hamilton, Hawley, Kenendy, Kinville, Lease, Lemmon, Maury, Murphy, Mushbach, Nelson, O’Connell, Ridle, Roscow, Scharnikow, Smith, Stoddard, Terrett, Troy. Total—27.

Noes: Arnold, Armstrong, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Clarke, Cronk, Davis (Wibaux), Dean, Dell, Duffy, Elliott, Facey, Goodman, Gullidge, Hanson, Harris, Hoffman, Holton, Joffray, Johnson, Kelly (Silver Bow), Kenyon, Larson (Richland), Larsen (Sheridan), Leavens, Loble, McAfee, McCormack, McLeod, Myrick, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Rodgers, Ruffcorn, Sandy, Seidensticker, Spencer, Stoner, Strange, Swift, Taylor, Tawney, Tierney, Wold, Mr. Speaker. Total—63.

Absent and not voting: Buell, Cowley, Flynn, Fulsher, Gillette, Gillin, Kelly (Pondera), McCarty, Smethurst, Zuck. Total—10.

Moved by Bergstrom, duly seconded, that Senate Bill No. 138 be segregated from the report of the committee of the Whole.

Moved by Rodgers, duly seconded that the motion be laid upon the table.

Pilgeram, duly seconded, demanded a roll call, upon which the motion to table carried, the vote being as follows:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Berryman, Brandjord, Bricker, Buchanan, Burke, Caplis, Carlson (McCone), Cavanaugh, Davis (Fergus), Denny, Elliott, English, Facey, Goodman, Gullidge, Hamilton, Joffray, Johnson, Kennedy, Kinville, Leavens, Lemmon, Loble, McAfee, McLeod, Maury, Murphy, Mushbach, Myrick, O’Connell, Oker, Peden, Ridle, Rodgers, Scharnikow, Seidensticker, Smith, Spencer, Stoddard, Swift, Taylor, Tierney, Troy, Wold, Mr. Speaker. Total—50.

Noes: Benedict, Bergstrom, Bohling, Boorman, Bosley, Bray, Buttleman, Cady, Carlson (Gallatin), Clarke, Cronk, Davis (Wibaux), Dean, Dell, Duffy, Hanson, Harris, Hawley, Hoffman, Holton, Kelly (Silver Bow), Kenyon, Larson (Richland), Larsen (Sheridan), Lease, McCormack, Nelson, Ostby, Perrine, Pilgeram, Pope, Rasmussen, Roscow, Ruffcorn, Sandy, Stoner, Strange, Tawney, Terrett. Total—39.

Absent and not voting: Bernard, Buell, Cowley, Flynn, Fulsher, Gillette, Gillin, Kelly (Pondera), McCarty, Smethurst, Zuck. Total—11.

Moved by Myrick, duly seconded that Senate Bill No. 184 be segregated from the report of the Committee of the Whole.

Moved by McCormack, duly seconded and carried that the motion be laid upon the table.

Moved by Spencer, duly seconded that Senate Bill No. 26 be segregated from the report of the Committee of the Whole.

Pilgeram, duly seconded, demanded a roll call, whereupon the motion to segregate failed, the vote being as follows:

Ayes: Arnold, Baker, Berryman, Bray, Bricker, Buchanan, Cronk, Davis (Fergus), Davis (Wibaux), Gullidge, Hawley, Kenyon, Johnson, Lease, Leavens, Lemmon, McAfee, McLeod, Murphy, Myrick, Nelson, Peden, Rasmussen, Sandy, Seidensticker, Spencer, Strange, Taylor, Terrett, Wold. Total—30.

Noes: Andrew, Armstrong, Benedict, Bergstrom, Bernard, Bohling, Boorman, Bosley, Brandjord, Burke, Buttleman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Dean, Dell, Denny, Duffy, Elliott, English, Facey, Goodman, Hamilton, Hanson, Harris, Hoffman, Holton, Joffray, Kelly (Silver Bow), Kinville, Larsen (Sheridan), Loble, McCormack, Maury, Mushbach, O'Connell, Oker, Ostby, Perrine, Pilgeram, Pope, Riddle, Rodgers, Roscow, Ruffcorn, Scharnikow, Smith, Stoddard, Stoner, Swift, Tawney, Tierney, Troy, Mr. Speaker. Total—57.

Absent and not voting: Andrus, Buell, Cowley, Flynn, Fulsher, Gillette, Gillin, Kelly (Pondera), Kennedy, Larson (Richland), McCarty, Smethurst, Zuck. Total—13.

The question then arising on the motion to adopt the report of the Committee of the Whole, same carried.

The following communications from the Governor were read:

"Helena, Montana, February 28, 1923.

The Speaker,

House of Representatives,

Helena, Montana.

I have the honor to inform you that I have this day signed the following House Bills:

Resolution No. 3—Requesting the appointment of official caretaker or superintendent at one of our American national cemeteries in Europe.

No. 53—Relating to the issuing of bonds.

No. 67—Prescribing the penalty for unlawfully giving away, selling or disposing of intoxicating liquor to a minor.

No. 127—To create a State Board of Hail Insurance.

No. 147—Relating to public grain warehouses.

No. 157—To appropriate money out of the State Highway Fund for payment of claims for labor and services, material and supplies furnished in construction of state highways designated as federal aid project numbers 66 and 101.

No. 227—Relating to appointment of, removal and salary of the superintendent of Insane Asylum and his assistants.

No. 255—Relating to judges of election, how appointed and number of judges to be appointed.

No. 268—Appropriating money to pay balance unpaid on judgment in favor of the General Electric Company.

No. 271—Making an appropriation to pay the salaries compensation and expenses of assistants and clerks of the old State Board of Equalization and office expenses incurred during interim between adoption of amendment to Section 15 of Article 12 of the Constitution, December 15, 1922, and the time of the organization of the new State Board of Equalization under such constitutional amendment on Feb. 3, 1923.

JOS. M. DIXON, Governor."

The Speaker,  
House of Representatives,  
Helena, Montana.

"Helena, Montana, February 28, 1923.

I have the honor to advise you that I have this day signed the following House Bill:

No. 166—Authorizing the Livestock Commission to expend moneys collected.

JOS. M. DIXON, Governor."

The following communications from the Senate were read:

"Helena, Montana, February 28, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Joint Conference Committee appointed to consider Senate Amendments to House Bill No. 131, reported that Senate amendments to said bill be concurred in.

JOHNSON,  
BUELL,  
LOY,  
GOODMAN,  
OLIVER.  
GREENING.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 28, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the President this day appointed Senators Hazelbaker, Harmon and Stewart of Meagher to act with a like committee of the House for the consideration of Senate amendments to House Bill No. 40.

Also Senators Heren, Lowe, Muffly to act with a like committee of the House for the consideration of Senate Amendments to House Bill No. 196.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 28, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Committee of the Whole having had under consideration House Bill No. 314 by Ruffcorn, recommended that the Enacting Clause be stricken. Report adopted and bill is herewith returned to the House.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 28, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 279, introduced by committee on Livestock and Public Ranges, was this day read third time, and concurred in as amended, title agreed to and is herewith returned to the House.

#### AMENDMENTS:

Amend Section 1 by adding at the end of said section the following:

"Amend Section 1 by adding at the end of said Section the following: "It being expressly provided, that purchases of hides may be made in quantities exceeding ten (10) in number, in one purchase, from a seller who is regularly engaged in the slaughter of cattle, at fixed place of business, who has already complied with the law regulating the slaughter of cattle, without a compliance with the foregoing provision of this section, if the seller shall deliver to the purchaser a copy of the record of the slaughter of the animals from which said hides were taken and none other."

Very respectfully,

J. F. CONE, Secretary of the Senate."



"Helena, Montana, February 28, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following House Bills were this day read third time and concurred in, title agreed to and are herewith returned to the House:

House Bill No. 266, Committee on Dairy and Dairying.

House Bill No. 285, introduced by Gullidge.

House Bill No. 304, by Gullidge and Spencer.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 28, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following House Bills were this day recommended for non-concurrence by adverse committee reports and are herewith transmitted to the House.

House Bill No. 238, introduced by Committee on Judiciary.

House bill No. 262, introduced by Pope.

House Bill No. 317, introduced by Troy.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 27, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 84, introduced by Kelly of Silver Bow, was this day read third time and concurred in as amended, title agreed to, and is herewith transmitted to the House for concurrence in Senate amendments:

#### AMENDMENTS:

Amend Section 5 by striking out in line 5 the following: "Or for such other cause as the said commission deems sufficient." Amend Section 3, line 2, page 2, by striking out the words "And regulate."

Amend Section 3, line 3, page 2, by striking out the words, "To fix reasonable" and to substitute the words "on complaint to inquire into the."

Amend Section 3, line 3, page 2, by adding after the word "Company" the word "And."

Amend Section 3, line 4, page 2, by striking out the word "Rules and regulations for the governing of all such transportation companies" and adding after the word, "Prescribe" the words, "in each case so brought before said commission an equitable rate, fare, or charge."

Amend Section 3, line 5, page 2, by striking out the words "To prescribe and regulate."

Amend Section 3, line 6, page 2, by striking out the word "Accounts."

Amend Section 3, line 9, page 2, by striking out all of said section, after the word "act" to and including the word "but" in line 21, page 2 of said section.

Amend Section 3, line 23, page 2, by adding the words "Nothing in this act shall empower the railroad commissioners of Montana to restrict the operation of such transportation company or companies as have complied with the provisions of this Act in the use of the public highways."

Amend Section 4, line 12, page 3, by striking out all of the ballots of said section 4, after the word terminals and substituting the following: "But said commission shall have the power after hearing when the applicant requests a certificate to operate in a territory already served by a certified holder or a licensee under this Act only when the existing auto transportation company or companies serving such territory, route or stage line, does not provide adequate transportation facilities and service to the satisfaction of the commission and in all other cases with or without hearing. To issue said certificate as prayed for, or for good cause shown to refuse to issue same or to issue it for the partial exercise only of the said privileges sought, and may attach to the exercise of the rights granted by said certificate such terms and conditions as in the judgment a public convenience and necessity may require.

Amend Section 7, line 5, page 3, by striking out the words "Lewis and Clark" and substituting the word "Any" and by adding after the word "county," the word "in."

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 28, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate this day concurred in House amendments to the following Senate Bills:

Senate Bill No. 17.  
Senate Bill No. 61  
Senate Bill No. 100.  
Senate Bill No. 120.  
Senate Bill No. 142.  
Senate Bill No. 191.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 28, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee of the Whole to whom was referred business on general file, report and recommend as follows:

That House Bill No. 135 be amended in Section 1 by inserting in line 8, after the word "Rate of," the words, "not less than" and that the same be concurred in as amended.

That House Bill No. 225, be amended in Line 43 by adding a new section which shall be numbered "Section 2A" and which shall read as follows: "Section 2A. Any person or persons failing to make the inspections as provided in this Act shall be deemed guilty of malfeasance of office," and as amended same be concurred in.

That House Bill No. 229 be amended in Section 1 by striking out all of said section. Amend Section 2 by striking out all of said section and re-numbering sections to conform. Amend Section 3 by adding before said Section 3 the words "That Section 4508 of the Revised Codes of 1921 be, and the same is hereby amended to read as follows: Amend Section 4 by adding before said Section 4 the words, "That Section 4509 of the Revised Codes of 1921 be, and same is hereby amended to read as follows:;" Amend Section 5 by adding before said Section 5 the words, "That Section 4510 of the Revised Codes of 1921 be, and the same is hereby amended to read as follows: "Amend Section 6 by adding before said section the words, "That Section 4511 of the Revised Codes of 1921, be, and the same is hereby amended to read as follows: Amend Section 7 by adding before said section the words: "That Section 4512 of the Revised Codes of 1921, be, and the same is hereby repealed." Amend Section 8 by striking out all of said section. Amend section 9 by striking out in line 1, all of line 1, and in line 2 the word and figures "Codes of Montana of 1921 and" Amend the title by striking out in lines 4, 5, 6, the following: "And providing penalties for violations of the provisions of said Act, and to repeal Section 4506, 4507, 4513." And inserting in lieu thereof the words, "And amending Section" and as amended same be concurred in.

That House Bill No. 266 be concurred in.

That House Bill No. 281 be concurred in.

That House Bill No. 283 be amended in Section 1 by adding in line 5, after the word "The" and before the word "killing," the word "malicious," Also in line 6, after the word "Stock" the words "Not the property of the defendant." Amend Section 1 by adding thereto the following: "And prove that the livestock killed, poisoned, or maimed was not the property of the defendant, and as so amended, same be concurred in.

That House Bill No. 285 be not concurred in.

That House Bill No. 304 be concurred in.

That House Bill No. 335 be concurred in.

That House Bill No. 314 be amended by striking out the enacting clause.  
That House Bill No. 279 be concurred in.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 28, 1923.

Mr Speaker:

I am directed by the Senate to inform your Honorable Body that the following standing committee report this day as follows:

Committee on Sanitary Affairs, having had under consideration House Bill No. 180, introduced by Boorman and Pope, report and recommend as follows:

That said bill be amended by striking out in the title, line 2, after the figures 11084, all the rest of the line two, all of line 3, and the figures 11099 and 11104 of line 4. Strike out all of Section 1 and renumbering all of the remaining sections, striking out all of Sections 6, and in lieu thereof, insert the words, "All Acts and parts of Acts in conflict herewith are hereby repealed."

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 28, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Standing Committees this day report and recommend as follows, reports adopted.

Committee on Counties and Towns; House Bill No. 155, introduced by Zuck; recommend same be concurred in.

Committee on Counties and Towns; House Bill No. 139, introduced by Oker; recommend same be concurred in.

Committee on Counties and Towns; House Bill No. 249, introduced by Nelson; amend in Section 8, line 32 of the original bill by striking out the words "first day of July" and inserting in lieu thereof "the last day of June."

Amend Section 8 by striking out in line 33 the words "first day of July" and inserting in lieu thereof "last day of June."

Amend Section 44 by inserting in line 32 of the original bill, after the word "director" the words "to be appointed by the Commission without definite term." and change the letter "s" to the letter "c" in the word "director," line 32.

Amend Section 95, line 12 of the original bill by striking out the word "Chosen" and inserting in lieu thereof "nominated and elected."

Amend Section 97 by striking out in line 2, the word "fifth" and inserting in lieu thereof the word "tenth."

Amend Section 107 by adding at the end thereof, the following "at the times and in the manner provided by the general laws of the State."

Amend Section 112 by striking out in line 32 the words, "clerk of the Commission" and inserting in lieu thereof "director of the Department of Law."

And recommend that the same be concurred in as amended.

Committee on Fish and Game; House Bill No. 243, introduced by Committee on Fish and Game; recommend same do not pass.

Committee on Fish and Game; House Bill No. 154, introduced by same; recommend it do pass.

Committee on Fish and Game; House Bill No. 286; introduced by same; recommend it do pass.

Committee on Judiciary; House Bill No. 262, introduced by Pope; that same be not concurred in.

Committee on Judiciary; House Bill No. 317, introduced by Troy; that bill be not concurred in.

Committee on Judiciary; House Bill No. 238, introduced by Judiciary Committee, recommend said bill be not concurred in.

Very respectfully,

J. F. CONE, Secretary of the Senate"



"Helena, Montana, February 28, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the attached communication from His Excellency, the Governor, where he appointed C. S. Heidel of Lewis and Clark County as State Engineer, was this day read and confirmed.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 28, 1923.

The President of the Senate,  
Senate Chamber,  
Helena, Montana.

I hereby nominate and by and with the consent of the Senate do appoint C. S. Heidel of Lewis and Clark county as State Engineer for the term beginning March 7, 1923.

(signed) JOS. M. DIXON, Governor."

"Helena, Montana, February 28, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate this day concurred in House amendments to the following Senate bills:

Senate Bill No. 104.  
Senate Bill No. 179.  
Senate Bill No. 85.  
Senate Bill No. 201.  
Senate Bill No. 180.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, February 28, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee of the Whole to whom was referred business on general file, report and recommend as follows:

That House Bill No. 280 be concurred in.

That House Bill No. 219 be amended in Section 9 of printed bill by striking out in line 1, beginning with the words "for any person" the balance of line 1, all of line 2 and the first part of line 3 ending with the word "Dance."

Amend Section 9 of printed bill by striking all of Section 9.

Amend Section 3 by striking out in line 7 the words "No tables shall be allowed in the hall while dancing is in progress."

And that the same be concurred in as amended.

That consideration of House Bill No. 8 be passed for the present.

That House Bill No. 176 be concurred in.

That consideration of House Bill No. 354 be passed for the present.

That House Bill No. 139 be concurred in.

That consideration of House Bill No. 217 be passed.

That House Bill No. 306 be concurred in.

That House Bill No. 361 be concurred in.

That House Bill No. 362 be concurred in.

That House Bill No. 375 be passed for the present.

That House Bill No. 384 be concurred in.

That House Bill No. 385 be concurred in.

That House Bill No. 386 be concurred in.

That House Bill No. 387 be amended in Section 1 by striking out line 8.

And as so amended recommend same do pass.

That House Bill No. 388 be concurred in.

That House Bill No. 360 be concurred in.

That House Bill No. 327 be concurred in.

That House Bill No. 373 be concurred in.

Very respectfully,

J. F. CONE, Secretary of the Senate."

Moved by Gullidge, duly seconded and carried that the House adjourn until Thursday, March 1, at 10:00 A. M.

CALVIN CRUMBAKER, Speaker.

Attest: JAMES A. SHOEMAKER, Chief Clerk.

## SIXTIETH DAY

House of Representatives,  
March 1, 1923.

House convened pursuant to adjournment at 10:00 A. M.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Upon roll call all members present except: Gillin, absent; Gillette, excused.

The Committee on Journal reported as follows:

"Mr. Speaker:

We, your Committee on Journal, have this day examined the Journal for the 59th Legislative day and found the same correct.

BUCHANAN, Chairman."

Report adopted.

The Committee on Engrossment reported as follows:

"Mr. Speaker:

We, your Committee on Engrossment, to whom was referred H. B. No. 389 and Sub. 260, beg leave to report same back correctly engrossed.

LARSEN of Richland, Chairman."

## REPORTS OF SELECT COMMITTEES

The following report of the Coal Investigation Committee was received:

### TO THE HOUSE OF REPRESENTATIVES OF THE 18TH LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA.

The undersigned, your Committee, heretofore appointed to investigate the business of mining, transporting and selling of coal to all purchasers thereof and inquiring into the cost thereof and the profit enjoyed and the feasibility of the State of Montana, purchasing and operating or leasing a coal mine within the state primarily, to furnish coal for all State Institutions, surplus production to be offered for sale to county, city and school governments of the state, respectfully beg leave to report as follows:

Your Committee proceeded to draw a questionnaire to be answered by all coal operators, a copy of which is hereto attached, marked Exhibit "A", and also a questionnaire to be answered by all of retail coal dealers within the State of Montana, a copy which is hereto attached, marked Exhibit "B", and also held a hearing with the coal operators on the 15th day of February 1923.

In response to the questionnaire submitted to coal operators, your Committee received twenty-one answers, none of which contained any information upon which your Committee could base any findings except the answer submitted by the Northwestern Improvement Company, and the Republic Coal Company, all of which response are hereto attached; that at the hearing held on the said 15th day of February 1923, the following persons representing the following companies, respectively appearing and testified, a copy of which testimony was transcribed and is hereto attached, marked Exhibit "C"; that from the hearing held and from the evidence obtained, your Committee was unable to secure any information upon which to base findings of any value. Your Committee ascertained that a Federal Investigation into the price of coal has been in process for a period of six months; that while your Committee ascertained from the above named persons that questionnaires have been answered by each of said companies to the Federal Government, the said operators regarded said information forwarded to the Federal Government as confidential in nature; that all of said operators with the exception of the representative of the North-

western Improvement Company advised your Committee that it would be impossible to furnish the information called for in your Committee's questionnaire within the course of several months.

While it is somewhat difficult for your Committee to understand that sufficient information could not be furnished upon which to base a finding as to the cost of producing coal by the operator within the time allowed; your Committee, nevertheless, feels that the coal operators of the State should be required to furnish the requested information as indicated by the questionnaire, and your Committee respectfully recommends that further questionnaires be sent to all coal operators in the State with instructions to return the same to the Public Service Commission within a period of six months and that the Public Service Commission of the State of Montana be charged by this Assembly with the duty of insisting upon the answering of said questionnaires, and that said Public Service Commission report its findings to the next Legislative Assembly of the State of Montana.

Your Committee sent questionnaires to 720 retail coal dealers, ten of which were returned unclaimed and 88 of which were returned and only about one-half dozen of which contained information of value to the Committee.

Your Committee received no response from coal brokers.

Your Committee ascertained that the State of Montana owns valuable coal lands which are now being leased to various private individuals. We recommend that when the leases upon these mines expires that careful investigation of said leases and coal lands be made before renewal of any of said leases and that the advisability of the state operating their own mines for the purpose of supplying coal to various state institutions be investigated.

Your Committee respectfully recommends that further questionnaires be sent to retail dealers and coal brokers, and that the same be returned to the Public Service Commission of the State of Montana within six months, and that The Public Service Commission be required to submit their conclusions to the next Legislative Assembly of the State of Montana.

Respectfully submitted,

COAL INVESTIGATION COMMITTEE.

HARRIS, Chairman,  
CAPLIS, Vice Chairman,  
HOFFMAN,  
SMETHURST,  
BERRYMAN,  
ZUCK,  
CARLSON of Gallatin,  
DORMAN, Clerk.

#### EXHIBIT "A"

Helena, Montana, February 7, 1923.

Gentlemen:

We, the Committee appointed by the House of Representatives of the Eighteenth Legislative Assembly of the State of Montana, to investigate the business of mining, selling and transporting of coal within the State, herewith submit for answering this questionnaire covering matters upon which the Committee desires information. You will greatly facilitate our investigation by answering the questions asked and returning same to us as soon as possible—not later than February 17, 1923.

(FOR COAL MINE OPERATORS OF MONTANA)

-----  
(Name of Company, Partnership or Person operating Coal Business)  
-----

(Address)  
-----

1. Amount of money invested or total outstanding stock, if corporation.

-----  
2. List of owners of fifty-one per cent of stock, with their residence address, or twenty-five of the largest stockholders.



3. What do you consider your stock actually worth per share?.....
4. What is the physical value of your entire plant? .....
5. What is your last assessed valuation on:
- Land..... Improvements..... Equipment.....
6. What dividends were paid in:
- 1920..... 1921..... 1922.....
7. Have there been any stock dividends paid in the last three years?.....
8. Has any extra property been acquired within this period?.....
9. If any has been acquired, state valuation .....
10. What is the cash balance necessary to operate this property?  
(Give average for last three years) .....
11. Submit your trade price lists for the last three years. ....
12. Submit your average per ton cost (to you) for the last three years,  
divided as follows:
- |                                | 1920  | 1921  | 1922  |
|--------------------------------|-------|-------|-------|
| (a) Labor                      | ..... | ..... | ..... |
| (b) Administration             | ..... | ..... | ..... |
| (c) Miscellaneous Costs        | ..... | ..... | ..... |
| (d) Profit                     | ..... | ..... | ..... |
| (e) Total average cost per ton | ..... | ..... | ..... |
13. (a) What was your total ton production? 1920 1921 1922
- (b) State number of days of operation .....
14. Name the three largest purchasers of your coal.....
15. Do you sell coal to railroad companies? ..... If so, state grade  
and per ton per year average price. ....
16. Do you maintain a force of traveling salesmen calling on dealers?.....  
If so, state name and address of each. ....
17. If you sell coal through brokers, give their names and addresses, also  
amount of commission allowed each per ton for the three-year period.....
18. Do you belong to any association of coal operators? .....  
If so give names of such. ....
19. Is there any agreement among such coal operators as to price main-  
tenance?.....
20. Is your mine operating on capacity basis? .....
21. Are you in need of additional capital to further increase production?.....
22. Have you any complaint to make as to labor costs or efficiency?.....
23. Have you any complaint to make regarding transportation service?.....
24. Do you consider freight rates in Montana properly balanced? .....
25. Do you consider railroad freight rates too high? .....
26. Do you fill orders for coal in the order of their receipt? .....
27. Do you see the necessity of any laws regarding the grading of coal?.....
28. Have you a satisfactory and ample market for your fine coals and slack?.....
29. Give prices received for such screenings and slack. ....
30. What is your maximum wage scale per man per day? .....
31. What is minimum wage scale per man per day? .....
32. What was your average wage scale per man per day for 1920.....  
1921..... 1922.....
33. Give number of men employed and segregate as to classification:

	1920	1921	1922
(a) Miners	.....	.....	.....
(b) Drivers	.....	.....	.....
(c) Track layers, etc.	.....	.....	.....
34. State salaries paid to all administrative officials	.....	.....	.....
35. Do you ever sell your coal for less than the advertised trade price? ..... If so give particulars.	.....	.....	.....
36. Do you wish to attend a public hearing before this committee?	.....	.....	.....

Committee will appreciate your opinions and suggestions as to the feasibility of State owned and operated coal mines and municipal and county owned and operated retail coal yards.

In anticipation of your early reply, we are

Cordially yours,

(COMMITTEE)

ORVILLE HARRIS, Chairman,  
JOHN J. CAPLIS, Vice Chairman,  
JOS. HOFFMAN,  
W. SMETHURST,  
JOHN A. ZUCK,  
JOHN J. BERRYMAN,

#### EXHIBIT "B"

Helena, Montana, February 7, 1923.

Gentlemen:

We, the Committee appointed by the House of Representatives of the 18th Legislative Assembly of the State of Montana to investigate the business of mining, selling and transporting of coal within the State, herewith submit for answering the questionnaire covering matters upon which the Committee desires information.

You will greatly facilitate our investigation by answering the questions asked and returning same to us as soon as possible—not later than February 15th, 1923.

#### (FOR RETAIL COAL DEALERS OF MONTANA)

.....  
Name of Company, Partnership or Person in Retail Coal Business.  
.....

(Address)

1. Amount of money invested, or total outstanding stock, if corporation.  
2. List of owners of 51% of stock with their residence address, or 25 of the largest stockholders.

3. What do you consider your stock actually worth per share?  
4. What is the physical value of your entire plant?  
5. What is your last assessed valuation on:

- (a) Land
- (b) Improvements
- (c) Equipment

6. What dividends were paid in 1920?  
1921?  
1922?

7. Have there been any stock dividends paid in the last three years?

8. Has any extra property been acquired within this period?

9. If any has been acquired, state valuation.

10. State profit or loss during years 1920, 1921, 1922.

11. State profit or loss under Government control.

(Remarks or explanation on this question allowed)

12. What brands or kinds of coal do you handle?

13. State names of parties or corporations from whom you buy.

14. Do you buy on open market or on contract?
15. Do you buy from traveling salesmen representing coal mining companies or from brokers?
16. If from brokers, give their names and addresses.
17. Do you know the amount of money charged by brokers as commission? If so, state amount.
18. Give number of tons of coal bought each year, 1920, 1921, 1922.
19. Give number of tons of coal sold each year 1920, 1921, 1922.
20. What portion of your coal is sold as mine run?
21. What portion
  - Forked nut.
  - Lump.
  - Egg.
  - Slack and screenings.
22. Have you a satisfactory market for slack and screenings and what price do you receive therefor?
23. Give your retail monthly prices on all grades of coal handled by you for years 1910, 1921, 1922 by half tons, tons and load lots.
24. What gross profit per ton do you try to secure?  
What net profit per ton do you try to secure?
25. Do you do a cash or credit business?
26. What do you figure as actual cost to you average for delivery of coal by half ton, ton and load lots. (State each separately).
27. How much do you pay per day for teamsters?  
How much do you pay per day for teams?  
And how much per day or ton for unloading coal from cars to bin?
28. What is average delivery in tons per day per man and team?
29. In what percentage proportion does your trade use Montana coal as against out of State coal?
30. Do you ever buy coal for less than advertised trade price?
31. Are you interested in any other coal business in this state, if so with whom, where and to what extent?
32. Do you belong to any association of retail coal dealers? If so, give particulars.
33. Have you any verbal contracts as to price maintenance? If so, give particulars.
34. Is there in your locality any difference in price for same grades of coal to consumer?
35. Do you know whether or not your orders for coal are filled in the order of their receipt? (Have you suffered discrimination in this respect?)
36. Do you consider freight rates in Montana properly balanced?  
Do you consider Railroad freight rates too high?
37. Have you any complaint to make regarding transportation service? If so, please state.
38. Do you see the necessity of any laws regarding the grading of coal?
39. Does your company own stock in any coal mine?
40. Give details of sales of coal to cities, counties or schools, stating grades of coal sold, prices received and whether these sales are made under written or verbal contracts and covering past three years?
41. What do you think of the feasibility of publicly owned and operated retail coal yards?
42. Do you wish to attend a public hearing before this Committee?

In anticipation of your early reply, we are

Cordially yours,  
COMMITTEE,

ORVILLE HARRIS, Chairman,  
JOHN J. CAPLIS, Vice Chairman.  
JOS. HOFFMAN,  
WALTER SMETHURST,  
JNO. J. BERRYMAN,  
JNO. Q. ZUCK,  
C. E. CARLSON.



In answering this questionnaire, questions should be answered in order of numbers on a separate paper. Please observe this request for our convenience."

Moved by Maury, duly seconded and carried that the report of the Committee be read at length.

On motion of Harris, report adopted.

#### INTRODUCTION OF BILLS AND MEMORIALS

The following bill was introduced, read first and second times and referred to committee as follows:

H. B. No. 410, by Appropriations Committee: "A Bill for an Act entitled: 'An Act creating the office of Consulting Mechanical Engineer; naming Geo. W. Craven as same; providing for services rendered during the year 1922 and providing the payment of services and expenses for the fiscal year beginning July 1st, 1923 and ending June 30th, 1925'." (Committee on Appropriations).

#### CONSIDERATION OF MESSAGES FROM GOVERNOR AND SENATE COMMUNICATIONS FROM THE SENATE

"Helena, Montana, Feb. 28, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate this day concurred in House amendment to Senate Bill No. 129.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, Feb. 28, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate this day concurred in House amendments to Senate Bill No. 124.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, Feb. 28, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following House Bills were read third time and concurred in, title agreed to, and are herewith returned to the House.

House Bill No. 335, introduced by Troy.

House Bill No. 388, Committee on Appropriations.

House Bill No. 386, Committee on Appropriations.

House Bill No. 385, Committee on Appropriations.

House Bill No. 384, Committee on Appropriations.

House Bill No. 362, Committee on Appropriations.

House Bill No. 361, Committee on Appropriations.

House Bill No. 306, introduced by Oker.

House Bill No. 139, introduced by Oker.

Very respectfully,

J. F. CONE, Secretary of the Senate."

Moved by Loble, duly seconded and carried that the following Senate Communications be considered read at length:

"Helena, Montana, Feb. 28, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee of the Whole having had under consideration House Bill No. 178, report and recommend that same be not concurred in. Bill is herewith returned to the House.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, Feb. 28, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 229 was read third time and concurred in as amended, title agreed to and is herewith transmitted to the House for concurrence in Senate amendments.

#### AMENDMENTS:

Amend Section 1 by striking out all of said section.

Amend Section 2 by striking out all of said section and renumbering sections to conform.

Amend Section 3 by adding before said Section 3 the words "That Section 4508 of the Revised Codes of 1921 be, and the same is hereby amended to read as follows:

Amend Section 4 by adding before said Section 4 the words "That Section 4509 of the Revised Codes of 1921 be, and the same is hereby amended to read as follows:

Amend Section 5 by adding before said Section 5 the words "That Section 4510 of the Revised Codes of 1921 be and the same is hereby amended to read as follows:

Amend Section 6 by adding before said section the words "That Section 4511 of the Revised Codes of 1921, be, and the same is hereby amended to read as follows:

Amend in Section 7, line 13 of the Engrossed Bill by striking out the word "infected" and insert in lieu thereof the word "Infested." Amend Section 7 by adding before said Section the words, "that Section 4512 of the Revised Codes of 1921, be, and the same is hereby amended to read as follows:

Amend Section 8 by striking out all of said section.

Amend Section 9 by striking out in line 1 all of line 1 and in line 2 the words and figures "Codes of Montana of 1921, and."

Amend title by striking out in lines 4, 5, 6, the following: "And providing penalties for the violations of the provisions of said Act, and to repeal sections 4506, 4507, 4513" and inserting in lieu thereof the words "And amending Sections."

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, Feb. 28, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 283, was this day read third time concurred in as amended, title agreed to and is herewith transmitted to the House for concurrence to Senate amendments.

#### AMENDMENT:

Amend in Section 1 by adding in line 5 after the word "the" and before the word "Killing," the word, "malicious."

Also in line six after the word "stock" the words, "not the property of the defendant." Amend Section 1 by adding thereto the following; "and prove that the live stock killed, poisoned, maimed was not the property of the defendant."

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, Feb. 28, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 360, was this day read third time and concurred in, title agreed to and is herewith transmitted to the House for concurrence in Senate amendments.

#### AMENDMENT:

Amend by striking out all of line 18 "Tuberculosis Sanitarium" and the figures "\$53.65."

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, Feb. 28, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 387 was this day read third time and concurred in as amended, title agreed to and is herewith returned to the House for concurrence in Senate Amendments.

AMENDMENT:

Amend in Section 1 by striking out line 8.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, Feb. 28, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 176 was this day read third time and concurred in as amended, title agreed to and is herewith transmitted to the House for concurrence in Senate Amendments.

Amendments—Section 1, by striking out the "period" in line 43 thereof, and inserting in lieu thereof a "semi-colon" and the following language, "and provided, further, that submission to and report by the irrigation district bond commission shall be had only in the matter of the issuance of bonds for construction purposes or for acquisition of construction works, in whole or in part."

By striking out the "period" at the end of line 75 in Section 2, and inserting in lieu thereof a "semi-colon" and inserting the following language after such "semi-colon," "and provided, further, that submission to and report by the irrigation district bond commission shall be had only in the matter of the issuance of bonds for construction purposes or for acquisition of construction works, in whole or in part."

By striking out in Section 4, line 7 the following words "or for any purpose for which bonds may be issued."

By inserting after the "comma" following the figures "1909" in line 40 of Section 3 the following words "issued for construction purposes, or for acquisition of construction works, in whole or in part."

By striking out the word "and" in line 21, subdivision (b) Section 4 of the original bill on page 9 thereof and inserting in lieu the word "and" so stricken out, the word "or."

By inserting as a new subdivision to be designated "subdivision (d) of Section 4" containing the following: "None of the provisions of this Act shall in anywise effect, disturb or interfere with the contracts now or hereafter executed by and between districts organized under Chapter 146, Laws 1909, as amended, and the United State Reclamation Service, and such contract districts shall be exempt from the operations hereof.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, Feb. 28, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 280 was this day read third time and concurred in as amended, title agreed to and is herewith transmitted to the House for concurrence in Senate Amendments.

AMENDMENT:

Amend Section 3, line 2, by striking out after the word "Fails" the words "then and there" and insert in lieu thereof the words "when so requested."

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, Feb. 28, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 327 was this day read third time, concurred in as amended, title agreed to and is herewith transmitted to the House for concurrence in Senate Amendments.



Amendments—"All State Officers, Board, Institutions or Commission, which come under the supervision of the State Examiner's Office for examination shall pay out of their respective appropriations, to the State Treasurer the sum of fifteen dollars per day for each examiner employed for the time actually consumed in making such examination, which fees shall be credited to the State Examiner's Fund for the use and benefit of the General Fund. It shall be the duty of the State Examiner to notify the State Treasurer of the amounts due as fees from the various offices, boards and commissions examined."

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, Feb. 28, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 225, introduced by Committee on Horticulture, was this day read third time and concurred in as amended, title agreed to, and is herewith transmitted to the House for concurrence in Senate Amendments.

#### AMENDMENTS:

Amend Line 43 by adding a new section which shall be numbered Section 2A, and which shall read as follows:

"Section 2A" Any person or persons failing to make the inspections as provided in this Act shall be deemed guilty of malfeasance of office."

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, Feb. 28, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 135, by Buchanan and Berryman, was this day read third time and concurred in as amended, title agreed to, and is herewith returned to the House for concurrence to Senate Amendments.

#### AMENDMENT:

Amend Section 1, by inserting in line 8 after the word "Rate of," the words, "Not less than."

Very respectfully,

J. F. CONE, Secretary of the Senate."

### THIRD READING OF SENATE BILLS

Moved by Scharnikow, duly seconded and unanimously carried, that all bills on third reading be read by title and history only.

S. B. No. 113, by Hazelbaker, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrew, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Bohling, Bricker, Burke, Buttleman, Caplis, Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Flynn, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly, (Pondera), Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Lemmon, McAfee, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Roscow, Ruffcorn, Scharnikow, Seidensticker, Smethurst, Smith, Fulsher, Spencer, Stoddard, Stoner, Strange, Taylor, Tawney, Terrett, Tierney, Troy, Zuck, Mr. Speaker. Total—74.

Noes: Berryman, Bosley, Bray, Buchanan, Davis (Fergus), Facey, Leavens, Wold. Total—8.

Absent and not voting: Andrus, Boorman, Brandjord, Buell, Cady, Carlson (Gallatin), Cowley, Gillette, Gillin, Gullidge, Kelly (Silver Bow), Kennedy, Loble, McCarty, Rodgers, Sandy, Swift, Goodman. Total—18.

S. B. No. 26, by Page, having been read three several times and title and history agreed to, failed of concurrence by the following vote:

Ayes: Benedict, Bosley, Caplis, Carlson (McCone), Clarke, Duffy, Elliott, Facey, Flynn, Goodman, Hamilton, Hoffman, Holton, Joffray, Kelly (Silver Bow), Larsen (Sheridan), McCormack, Oker, Pilgeram, Smethurst, Stoner, Tierney, Troy, Zuck, Mr. Speaker. Total—25.

Noes: Andrew, Armstrong, Arnold, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bray, Bricker, Buchanan, Buell, Burke, Buttleman, Cady, Cavanaugh, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, English, Fulsher, Gullidge, Harris, Hawley, Johnson, Kelly (Pondera), Larson (Richland), Lease, Leavens, Lemmon, McAfee, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, Peden, Perrine, Rasmussen, Ridle, Rodgers, Roscow, Sandy, Scharnikow, Seidensticker, Smith, Spencer, Stoddard, Strange, Swift, Taylor, Terrett, Wold. Total—57.

Absent and not voting: Andrus, Baker, Brandjord, Carlson (Gallatin), Cowley, Gillette, Gillin, Hanson, Kennedy, Kenyon, Kinville, Loble, McCarty, O'Connell, Ostby, Pope, Ruffcorn, Tawney. Total—18.

S. B. No. 119, by Walker, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrew, Baker, Benedict, Bernard, Buttleman, Cady, Caplis, Carlson, (McCone), Cavanaugh, Clarke, Davis (Fergus), Denny, Elliott, Flynn, Goodman, Gullidge, Hawley, Hoffman, Holton, Joffray, Kelly (Pondera), Kelly (Silver Bow), Kinville, Larson (Richland), Lemmon, Loble, McAfee, McCormack, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Seidensticker, Smith, Stoner, Strange, Swift, Taylor, Tierney, Troy, Wold. Total—53.

Noes: Armstrong, Arnold, Bergstrom, Berryman, Bohling, Boorman, Bosley, Buchanan, Burke, Cronk, Dean, Dell, Duffy, Facey, Fulsher, Johnson, Lease, McLeod, Perrine, Pilgeram, Terrett, Scharnikow, Smethurst, Spencer, Mr. Speaker. Total—25.

Absent and not voting: Andrus, Brandjord, Bray, Bricker, Buell, Carlson (Gallatin), Cowley, Davis (Wibaux), English, Gillette, Gillin, Hamilton, Hanson, Harris, Kennedy, Kenyon, Larsen (Sheridan), Leavens, McCarty, Stoddard, Tawney, Zuck. Total—22.

Sub. for S. B. Nos. 1 and 19 by Committee on Taxation, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrew, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Boorman, Bosley, Buchanan, Burke, Buttleman, Cady, Caplis, Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Dean, Dell, Duffy, Elliott, English, Flynn, Fulsher, Goodman, Hanson, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kinville, Leavens, Lemmon, Loble, McCormack, McLeod, Maury, Mushbach, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Smethurst, Spencer, Stoner, Strange, Taylor, Tierney, Wold, Zuck, Mr. Speaker. Total—68.

Noes: Bohling, Facey, Gullidge, Larsen (Sheridan), Lease, McAfee, Murphy, Myrick, Sandy, Scharnikow, Seidensticker, Smith, Swift, Troy. Total—14.

Absent and not voting: Andrus, Brandjord, Bray, Bricker, Buell, Carlson (Gallatin), Cowley, Davis (Wibaux), Denny, Gillette, Gillin, Hamilton, Kenyon, Larson (Richland), McCarty, Stoddard, Tawney, Terrett. Total—18.

With unanimous consent reverted to:

## REPORTS OF STANDING COMMITTEES

The following reports of standing committees were received:

“Mr. Speaker:

We, your Joint Committee on Constitutional Amendments of the Senate and the House, having had under consideration, House Bill No. 409, respectfully report with the recommendation that House Bill No. 409, do pass.

STEWART,  
BAKER.”

On motion of Baker, report adopted.

The Committee on Enrollment reported as follows:

“Mr. Speaker:

We your Committee on Enrollment wish to make the following report, on Moneys saved by operating with the Secretary of State Stewart.

It has the custom for the Secretary to go to the Governor and get the Bills passed by the House, then hire stenographers and proof readers to make extra copies to be sent to the printer for the purpose of getting out the Session Laws, by making three copies of each Bill in the Enrolling room, and delivering the third copy to the Secretary, we have saved the State of Montana approximately \$2,700.

BOHLING,  
CARLSON of McCone,  
BERGSTROM,  
DELL,  
McAFEE, Chairman."

"Be it Resolved by the House of Representatives:

That

J. A. Shoemaker, Chief Clerk of the House, be employed for a period of nine days at Ten Dollars per day;

H. J. Faust, Assistant Chief Clerk of the House, be employed for a period of nine days at Eight dollars per day;

Miss Thoene Kirkley, clerk in the Chief Clerk's office, be employed for a period of nine days at Six dollars per day;

Ray Nagle, Journal Clerk of the House, be employed for a period of nine days at Eight Dollars per day;

Irma McCarthy, Assistant Journal Clerk be employed for a period of nine days at Six dollars per day;

Ethel Langdorf and Matilda Barnes, be employed for a period of nine days at Five Dollars per day;

Percy Dodds, Sergeant at Arms of the House, be employed for a period of nine days at Ten dollars per day;

Charles Lamb, Clerk to the Sergeant at Arms be employed for a period of nine days at Six dollars per day;

William Stumme, D. J. Gillies, J. P. Murphy, and George Gelsing be employed as janitors for a period of three days at Five Dollars per day.

To take effect at the close of the session of the Eighteenth Legislative Assembly, to clear up the affairs of the House of Representatives in the regular session of the 18th Legislative Assembly, and that the Chief Clerk of the House be authorized to certify to the State Auditor the pay roll for the services rendered under the provisions of this resolution.

Committee on House Employees,  
BOORMAN, Chairman."

On motion of Boorman, report adopted.

### THIRD READING OF HOUSE BILLS

Sub. for H. B. No. 260, by Committee on Appropriations, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Arnold, Baker, Benedict, Bergstrom, Bernard, Boorman, Brandjord, Bray, Buchanan, Buttleman, Cady, Caplis, Carlson (Gallatin), Cavanaugh, Clarke, Cronk, Dean, Dell, Denny, Elliott, English, Flynn, Goodman, Gullidge, Hanson, Harris, Hawley, Holton, Joffray, Johnson, Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Taylor, Tierney, Troy, Wold, Mr. Speaker. Total—67.

Noes: Armstrong, Berryman, Bohling, Bosley, Burke, Carlson (McCone), Davis (Fergus), Duffy, Fulsher, Kelly (Pondera), McAfee, O'Connell, Terrett. Total—13.

Absent and not voting: Andrus, Bricker, Buell, Cowley, Davis (Wibaux), Facey, Gillette, Gillin, Hamilton, Hoffman, McCarty, Oker, Ridle, Spencer, Stoddard, Stoner, Strange, Swift, Tawney, Zuck. Total—20.

H. B. No. 389, by Committee on Appropriations, having been read three several times and title and history agreed to, was passed by the following vote:



Ayes: Andrew, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Bricker, Buchanan, Burke, Buttleman, Cady, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Gullidge, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Silver Bow), Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Pilgeram, Pope, Rasmussen, Roscow, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Strange, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Mr. Speaker. Total—80.

Noes: None.

Absent and not voting: Andrus, Buell, Caplis, Cowley, Davis (Wibaux), Gillette, Gillin, Goodman, Hamilton, Hanson, Kelly (Pondera), Kennedy, Perrine, Ridle, Rodgers, Ruffcorn, Stoddard, Stoner, Swift, Zuck. Total—20.

The following communications from the Senate were read:

"Helena, Montana, March 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Chairman of the Senate Committee appointed to act with a like committee of the House for the consideration of Senate Amendments to House Bill No. 196, reported that they could not agree and asked to be discharged. The President, thereupon appointed Senators Heren, Muffly, and Pomeroy as a new committee to act with a like committee of the House, for the consideration of said amendments.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, Feb. 28, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee of the Whole to whom was referred business on general file report and recommend as follows: Reports adopted.

That Senate Bill No. 5 do pass.

That House Bill No. 178 be not concurred in.

That House Bill No. 119 be amended in Section 5 by striking out in line 2 the word Sixty and inserting in lieu thereof the word "Seventy."

Amend Section 6 by striking out in line 2 all of the words from "and also" and including "exclusive of a homestead."

And, as so amended, recommend same be concurred in.

Very respectfully,

J. F. CONE, Secretary of the Senate."

#### SPECIAL ORDER—CONSIDERATION OF SENATE BILLS NOS. 199 AND 200.

Moved by Gullidge, duly seconded that the House resolve itself into a committee of the Whole for the consideration of Special Orders, under the same rules and restrictions as have been imposed during the past few days.

Rodgers, seconded by fifteen members, demanded a call of the House.

Moved by Larsen of Sheridan, duly seconded and carried that further proceedings under call of the House be dispensed with.

Whereupon the question being put, the motion of Gullidge carried.

Bray in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole, having had under consideration bills on Special Orders, respectfully report back with the recommendation that:

S. B. No. 199: That action thereupon be indefinitely postponed

S. B. No. 200: That the enacting clause be stricken out.

BRAY, Chairman."

Moved by Bray, duly seconded that report of the Committee of the Whole be adopted.

Moved by Oker, duly seconded, that the report on S. B. No. 199 be segregated from the report of the Committee of the Whole.

Moved by Rodgers, duly seconded that the motion be laid upon the table.

Oker demanded a roll call, duly seconded.

Rodgers, seconded by fifteen members, demanded a call of the House.

Moved by Larsen of Sheridan, duly seconded and carried that further action under call of the House be dispensed with.

Question arising on motion to table, the same carried by the following vote:

Ayes: Armstrong, Benedict, Bohling, Boorman, Bray, Bricker, Buchanan, Buell, Buttleman, Carlson (McCone), Clarke, Cronk, Dell, Elliott, Facey, Gullidge, Harris, Hawley, Hoffman, Holton, Johnson, Kennedy, Kenyon, Lease, Leavens, Lemmon, McAfee, McCormack, McLeod, Mushbach, Myrick, Peden, Perrine, Pope, Rasmussen, Rodgers, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Strange, Swift, Taylor, Tawney, Terrett, Troy, Wold, Mr. Speaker. Total—51.

Noes: Andrew, Arnold, Baker, Bergstrom, Bernard, Brandjord, Burke, Cady, Caplis, Carlson (Gallatin), Cowley, Davis (Fergus), Dean, Denny, Duffy, English, Flynn, Fulsher, Goodman, Hamilton, Hanson, Joffray, Kelly (Pondera), Kelly (Silver Bow), Kinville, Larson (Richland), Larsen (Sheridan), Loble, McCarty, Maury, Murphy, Nelson, O'Connell, Oker, Ostby, Pilgeram, Ridle, Roscow, Stoddard, Stoner, Tierney, Zuck. Total—42.

Absent and not voting: Andrus, Berryman, Bosley, Cavanaugh, Davis (Wibaux), Gillette, Gillin. Total—7.

Question then arising on adoption of report of the Committee of the Whole, motion carried.

### THIRD READING OF SENATE BILLS

Senate Amendments to H. B. No. 229 were concurred in by the following vote:

Ayes: Andrew, Baker, Benedict, Bernard, Bohling, Boorman, Bosley, Brandjord, Buchanan, Buttleman, Cady, Caplis, Carlson (McCone), Cavanaugh, Clarke, Cowley, Cronk, Dean, Dell, Denny, Elliott, English, Flynn, Fulsher, Goodman, Hanson, Harris, Duffy, Hawley, Hoffman, Holton, Johnson, Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Loble, Nelson, McAfee, McCormack, McLeod, Maury, Murphy, Myrick, Peden, Perrine, Pilgeram, Rasmussen, Ridle, Ruffcorn, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Taylor, Tawney, Terrett, Tierney, Wold, Zuck, Mr. Speaker. Total—67.

Noes: Armstrong, Burke, Scharnikow. Total—3.

Absent and not voting: Andrus, Arnold, Bergstrom, Berryman, Bray, Bricker, Buell, Carlson (Gallatin), Davis (Fergus), Davis (Wibaux), Facey, Gillette, Gillin, Gullidge, Hamilton, Joffray, Kelly (Pondera), Kelly (Silver Bow), Lemmon, McCarty, Mushbach, O'Connell, Oker, Ostby, Pope, Rodgers, Roscow, Sandy, Swift, Troy. Total—30.

Senate Amendments to H. B. No. 283 were concurred in by the following vote:

Ayes: Armstrong, Baker, Benedict, Bernard, Bohling, Boorman, Bosley, Brandjord, Bray, Buell, Burke, Buttleman, Cady, Carlson (Gallatin), Clarke, Cronk, Davis (Fergus), Dean, Dell, Denny, Duffy, Elliott, English, Flynn, Fulsher, Goodman, Hamilton, Hanson, Harris, Hawley, Johnson, Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Leavens, Lemmon, McCarty, McLeod, Murphy, Mushbach, Myrick, Oker, Ostby, Peden, Perrine, Pilgeram, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Taylor, Terrett, Tierney, Troy, Wold, Zuck. Total—65.

Noes: McAfee, McCormack, Scharnikow, Mr. Speaker. Total—4.

Absent and not voting: Andrew, Andrus, Arnold, Bergstrom, Berryman, Facey, Buchanan, Bricker, Caplis, Carlson (McCone), Cavanaugh, Cowley, Davis (Wibaux), Gillette, Gillin, Gullidge, Hoffman, Holton, Joffray, Kelly (Pondera),

Kelly (Silver Bow), Lease, Loble, Maury, Nelson, O'Connell, Pope, Stoner, Strange, Swift, Tawney. Total—31.

Moved by Oker, duly seconded and carried that the House recess until 1:30 P. M.

#### AFTERNOON SESSION

House resumed at 1:30 P. M.

Mr. Speaker in the chair.

#### CONSIDERATION OF GENERAL ORDERS

Moved by Gullidge, duly seconded and carried that the House resolve itself into a Committee of the Whole for the consideration of appropriation bills, with the same restrictions as were in force during the past few days.

Scharnikow in the chair.

Committee arose.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole, having had under consideration appropriation bills on General Orders, respectfully report back with the recommendation that:

H. B. No. 391: Do pass.

H. B. No. 393: Do pass.

H. B. No. 392: That the enacting clause be stricken out.

H. B. No. 394: Do pass.

H. B. No. 395: Do pass.

H. B. No. 396: Do pass.

H. B. No. 397: Do pass.

That the committee arise and report with the privilege of sitting again.  
SCHARNIKOW, Chairman."

On motion of Scharnikow, report adopted.

The conference committee on H. B. No. 196 reported as follows

"Mr. Speaker:

We, the undersigned, your Conference Committee appointed to meet a like committee from the Senate, to consider House Bill No. 196 relating to a crude oil license tax, beg leave to report that we were unable to agree.

CRONK,  
RUFFCORN,  
BERGSTROM."

Moved by Cronk, duly seconded and carried that the report be adopted, that the committee be discharged, and that a new committee be appointed.

On the new Committee, Mr. Speaker appointed the following:

HANSON,  
SWIFT,  
BRANDJORD.

The following standing committee reports were received:

"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration House Bill No. 410, introduced by Appropriations Committee, 'An Act creating the office of consulting mechanical engineer, naming Geo. W. Craven as same; providing for services rendered during the year 1922 and providing for the payment of services and expenses for the fiscal years beginning July 1st, 1923 and ending June 30th, 1925,' respectfully report as follows:

That House Bill No. 410 do pass.

BUELL, Chairman."

On motion of Buell, report adopted.



"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration House Bill No. 411, introduced by Appropriations Committee, "An Act appropriating money for the payment of deficiency claims arising out of the operation of certain of the state boards, institutions and departments of the State of Montana for the year ending February 28th, 1921," respectfully report as follows:

That House Bill No. 411 do pass.

BUELL, Chairman."

On motion of Buell, report adopted.

"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration House Bill No. 412, introduced by Appropriations Committee, "An Act appropriating money for the payment of deficiency claims arising out of the operation of certain of the state institutions and departments of the State of Montana for the year ending Feb. 28th, 1921, and for the year ending June 30, 1921," respectfully report as follows:

That House Bill No. 412 do pass.

BUELL, Chairman."

On motion of Buell, report adopted.

The Committee on Printing reported as follows:

"Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bills Nos. 365, 400, 401, 402, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman."

"Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bills Nos. 392, 394, 395, 396, 397, 398, beg leave to report that the same have this date been returned from the printer correctly printed.

BRAY, Chairman."

The following communication from the Senate was read:

"Helena, Montana, March 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate this day refused to concur in House Amendments to substitute for Senate Bill No. 1 and 19, and asked that a committee of three be appointed to act with a like committee of the House for the consideration of House amendments. The President thereupon appointed Senators Speer, Griffin and J. H. Stewart.

Also the Senate this day refused to concur in House amendments to Senate Bill No. 119, and asked that a committee of three be appointed to act with a like committee of the House for the consideration of House amendments. The President thereupon appointed Senators Walker Stewart, T. P., Gibson.

Very respectfully,

J. F. CONE, Secretary of the Senate."

Mr. Speaker named as conference committee on Substitute for Senate Bills No. 1 and 19 the following:

HOLTON,  
KENYON,  
KELLY of Pondera.

Mr. Speaker named as conference committee on Senate Bill No. 119 the following:

MYRICK,  
LEASE,  
GOODMAN.

Moved by Gullidge, duly seconded and carried that the following Senate communications be considered read at length:

"Helena, Montana, March 1st, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following standing committees this day report as follows:

Committee on Taxation; House Bill No. 174, introduced by Committee on Taxation; recommend same be not concurred in.

Committee on Taxation: House Bill No. 104; introduced by Committee on Taxation, recommend same do not pass.

Committee on Counties and Towns: House Bill No. 95, introduced by Leavens, recommend same be concurred in.

Committee on Counties and Towns: House Bill No. 95, introduced by Committee on Affairs of Cities; recommend same be not concurred in.

Committee on Counties and Towns; House Bill No. 97, introduced by Leavens; recommend same be concurred in.

Committee on Finance and Claims; House Bill No. 323, introduced by Leavens; recommend same be concurred in.

Minority report of Committee on Education; Substitute for House Bill No. 218; recommend same be concurred in.

Committee on Judiciary; House Bill No. 301, introduced by Smith; recommend same be not concurred in.

Committee on Judiciary; House bill No. 122, introduced by Flynn; recommend same be not concurred in.

Committee on Judiciary; House Bill No. 140, introduced by Tawney and Strange; recommend same be not concurred in.

Committee on Counties and Towns; House Bill No. 259, introduced by Committee on Affairs of Cities; recommend same be not concurred in.

Committee on Judiciary; House Bill No. 231, introduced by Affairs of Cities Committee; amend by striking out in Section 1, the figures "5097" wherever it occurs and inserting in lieu thereof the figures "5098."

Amend Section 2 by striking out the figures "5098" wherever it occurs and inserting in lieu thereof the figures "5097."

Amend Section 4, on page 5, line 22 of the original bill by striking out the words, "except the Chief of Police."

And that as so amended, said bill be concurred in.

Committee on Fish and Game; House Bill No. 181, introduced by Pilgeram; amend by adding after the word "accordingly" in line twenty-four of the engrossed bill the following "Provided that it shall not be unlawful to hunt, shoot, kill or capture sage grouse or sage hens in Garfield County, between August 10th and September 10th of any year." Also by adding after the word "Lincoln" in line twenty-nine the word "Ravalli" and as so amended, it be concurred in.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, March 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following House Bills were this day reported from the Standing Committees with a recommendation that they be not concurred in:

House Bill No. 122.

House Bill No. 140.

House Bill No. 174.

House Bill No. 301.

House Bill No. 259.

House Substitute for House Bill No. 104.

Same are herewith returned to the House.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, March 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that on motion duly seconded and carried, the Senate requested the return of House Bill No. 195 for further consideration.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"March 1st, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee of the Whole to whom was referred business on general file, report and recommend as follows: Reports adopted.

That House Bill No. 281 be amended in Section 2 by adding after the word "unknown" in line 5 the following words, "and not the property of the defendant."

And as amended that same be concurred in.

That substitute for House Bill No. 101 be amended as follows: Amend the title of Substitute for House Bill No. 101 by adding the following after the last word in the title; "And to provide for the remission of penalties for non-payment of taxes in certain cases."

By inserting after section 2 a new section to be known as Section 3, as follows:

"Section 3. That hereafter where the State Board of Land Commissioners find it necessary to pay delinquent taxes upon any land upon which loans have been made under the provisions of Section 1928 to 1948, Revised Codes of Montana of 1921, inclusive, or upon any lands upon which mortgage foreclosure proceedings are pending or have been concluded by the said State Board of Land Commissioners that all penalties imposed for non-payment of taxes shall be remitted."

And as amended, that same be concurred in.

That House Bill No. 249 be amended in Section 2 by striking out in line 7 the words (10%) and inserting in lieu thereof the words twenty percent (20%).

And as amended, that same be concurred in.

That House Bill No. 154 be concurred in.

That House Bill No. 155 be concurred in.

That House Bill No. 286 be amended by striking out the enacting clause.

That House Bill No. 180 be amended in Section 2 by striking out in line 10 of the printed bill the words "or without."

And as so amended, recommend same be concurred in.

Very respectfully,

J. F. CONE, Secretary of the Senate."

## INTRODUCTION OF BILLS AND MEMORIALS

The following bill was introduced, read first and second times and referred to committee on Appropriations.

H. B. No. 413, by Appropriations Committee: "A Bill for an Act entitled: 'An Act to appropriate money for the incidental expenses of the Eighteenth Legislative Assembly of the State of Montana and for the salaries of the officers and attaches of same.'"

The Committee on Appropriations reported as follows:

"Mr. Speaker:

We, your Committee on Appropriations, having had under consideration H. B. No. 413, introduced by Appropriations Committee, "An Act to appropriate money for the incidental expenses of the Eighteenth Legislative Assembly of the State of Montana and for the salaries of the officers and attaches of the same," respectfully report as follows:

That House Bill No. 413 do pass.

BUELL, Chairman."

On motion of Buell, report adopted.



Moved by Gullidge, duly seconded and carried that all appropriation bills just passing through general orders be considered properly engrossed and be placed on third reading for immediate passage.

With unanimous consent reverted to:

### THIRD READING OF HOUSE BILLS

Moved by Gullidge, duly seconded and unanimously carried that all bills on third reading be read by title and history only and be considered read at length.

The Committee on Engrossment reported as follows:

"Mr. Speaker:

We, your Committee on Engrossment, to whom was referred House Bills Nos. 391, 393, 394, 395, 396 and 397, beg leave to report same back correctly engrossed.

LARSON of Richland, Chairman."

Senate Amendments to H. B. No. 360 were concurred in by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Benedict, Bergstrom, Bernard, Bohling, Boorman, Bosley, Brandjord, Burke, Buttleman, Caplis, Carlson (McCone), Cavanaugh, Cowley, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, English, Facey, Flynn, Fulsher, Hanson, Gullidge, Hawley, Hoffman, Johnson, Kelly (Silver Bow), Kennedy, Kinville, Larsen (Sheridan), Lemmon, Loble, McLeod, Maury, Murphy, Mushbach, Myrick, Oker, Ostby, Peden, Pilgeram, Pope, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker,, Smith, Strange, Taylor, Troy, Zuek, Mr. Speaker. Total—60.

Noes: None.

Absent and not voting: Baker, Berryman, Bray, Bricker, Buchanan, Buell, Cady, Carlson (Gallatin), Clarke, Cronk, Duffy, Elliott, Gillette, Gillin, Goodman, Hamilton, Harris, Holton, Joffray, Kelly (Pondera), Kenyon, Larson (Richland), Lease, Leavens, McAfee, McCarty, McCormack, Nelson, O'Connell, Perrine, Rasmussen, Smethurst, Spencer, Stoddard, Stoner, Swift, Tawney, Terrett, Tierney, Wold. Total—40.

Oker, seconded by fifteen members, demanded a call of the House.

Moved by Scharnikow, duly seconded and carried that further proceedings under the call of the House be dispensend with.

H. B. No. 391, by Committee on Appropriations, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Baker, Benedict, Bernard, Bohling, Boorman, Bosley, Bray, Bricker, Buell, Burke, Buttleman, Caplis, Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dell, Denny, English, Flynn, Goodman, Harris, Hawley, Johnson, Kelly (Pondera), Kenyon, Kinville, Leavens, Lemmon, Loble, McLeod, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pope, Ridle, Rodgers, Sandy, Seidensticker, Smith, Stoddard, Taylor, Tierney, Troy, Wold, Zuek, Mr. Speaker. Total—56.

Noes: Bergstrom, Brandjord, Carlson (McCone), Facey, Hanson, Larson (Richland), Larsen (Sheridan), McCormack, Maury, Pilgeram, Ruffcorn, Scharnikow, Smethurst, Strange, Terrett. Total—15.

Absent and not voting: Armstrong, Arnold, Berryman, Buchanan, Cady, Carlson (Gallatin), Cowley, Dean, Duffy, Elliott, Fulsher, Gillette, Gillin, Gullidge, Hamilton, Hoffman, Holton, Joffray, Kelly (Silver Bow), Kennedy, Lease, McAfee, McCarty, Rasmussen, Roscow, Spencer, Stoner, Swift, Tawney. Total—29.

H. B. No. 394, by Committee on Appropriations, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Armstrong, Baker, Benedict, Bergstrom, Bohling, Boorman, Bricker, Buell, Burke, Buttleman, Cady, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Dean, Dell, Denny, English, Facey, Flynn, Goodman, Gullidge, Hawley, Hoffman, Joffray, Johnson, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Ruff-

corn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Stoddard, Taylor, Terrett, Troy, Wold, Zuck, Mr. Speaker. Total—60.

Noes: Bosley. Total—1.

Absent and not voting: Andrus, Arnold, Bernard, Berryman, Brandjord, Bray, Buchanan, Caplis, Cowley, Cronk, Davis (Fergus), Davis (Wibaux), Duffy, Elliott, Fulsher, Gillette, Gillin, Hamilton, Hanson, Harris, Holton, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Loble, McAfee, McCarty, McCormack, McLeod, Peden, Perrine, Roscow, Spencer, Stoner, Strange, Swift, Tawney, Tierney. Total—39.

H. B. No. 393, by Committee on Appropriations, having been read three several times, and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Armstrong, Baker, Benedict, Bergstrom, Bernard, Bohling, Boorman, Bricker, Buell, Burke, Buttleman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Wibaux), Dean, Dell, Facey, Goodman, Gullidge, Hanson, Hawley, Joffray, Johnson, Kelly (Silver Bow), Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McCormack, McLeod, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Ruffcorn, Sandy, Seidensticker, Smith, Stoddard, Strange, Tierney, Troy, Mr. Speaker. Total—61.

Noes: Bosley, Flynn. Total—2.

Absent and not voting: Andrus, Arnold, Berryman, Brandjord, Bray, Buchanan, Cowley, Davis (Fergus), Denny, Duffy, Elliott, English, Fulsher, Gillette, Gillin, Hamilton, Harris, Hoffman, Holton, Kelly (Pondera), Kennedy, Kenyon, McAfee, McCarty, Maury, Perrine, Roscow, Scharnikow, Smethurst, Spencer, Stoner, Swift, Taylor, Tawney, Terrett, Wold, Zuck. Total—37.

H. B. No. 395, by the Committee on Appropriations, having been read three several times, title and history agreed to, was passed by the following vote:

Ayes: Andrew, Bergstrom, Bohling, Boorman, Bosley, Bricker, Buttleman, Cady, Caplis, Carlson (McCone), Clarke, Davis (Wibaux), Dean, Dell, Denny, Elliott, English, Flynn, Goodman, Gullidge, Hanson, Hawley, Hoffman, Joffray, Johnson, Kelly (Silver Bow), Kinville, Larsen (Sheridan), Lease, Leavens, Lemmon, McCormack, McLeod, Murphy, Mushbach, Myrick, Nelson, Oker, Ostby, Peden, Perrine, Pilgeram, Ridle, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smith, Stoddard, Swift, Taylor, Terrett, Tierney, Troy, Wold, Mr. Speaker. Total—57.

Noes: Armstrong, Burke, Davis (Fergus). Total—3.

Absent and not voting: Andrus, Arnold, Baker, Benedict, Bernard, Berryman, Brandjord, Bray, Buchanan, Buell, Carlson (Gallatin), Cavanaugh, Cowley, Cronk, Duffy, Facey, Fulsher, Gillette, Gillin, Hamilton, Harris, Holton, Kelly (Pondera), Kennedy, Kenyon, Larson (Richland), Loble, McAfee, McCarty, Maury, O'Connell, Pope, Rasmussen, Rodgers, Smethurst, Spencer, Stoner, Strange, Tawney, Zuck. Total—40.

H. B. No. 396, by the Committee on Appropriations, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Arnold, Baker, Benedict, Bergstrom, Bernard, Bohling, Boorman, Bosley, Buchanan, Burke, Buttleman, Caplis, Carlson (McCone), Cavanaugh, Clarke, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Elliott, Facey, Flynn, Goodman, Gullidge, Hanson, Hawley, Joffray, Johnson, Kelly (Silver Bow), Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Stoddard, Strange, Swift, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Mr. Speaker. Total—67.

Noes: Berryman, Nelson. Total—2.

Absent and not voting: Andrew, Andrus, Armstrong, Brandjord, Bray, Bricker, Buell, Cady, Carlson (Gallatin), Cowley, Cronk, Duffy, English, Fulsher, Gillette, Gillin, Hamilton, Harris, Hoffman, Holton, Kelly (Pondera), Kennedy, Kenyon, Lemmon, Loble, McAfee, McCarty, Rodgers, Spencer, Stoner, Zuck. Total—31.

H. B. No. 397, by the Committee on Appropriations, having been read three several times and title and history agreed to, was passed by the following vote:



Ayes: Andrew, Andrus, Arnold, Bergstrom, Bernard, Boorman, Bray, Buchanan, Buell, Burke, Buttleman, Cady, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Elliott, Facey, Flynn, Goodman, Hamilton, Harris, Hawley, Joffray, Johnson, Kelly (Silver Bow), Kennedy, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Loble, McCormack, McLeod, Mushbach, Myrick, Nelson, Oker, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Roscow, Ruffcorn, Sandy, Taylor, Troy, Mr. Speaker. Total—54.

Noes: None.

Absent and not voting: Armstrong, Baker, Benedict, Berryman, Bohling, Bosley, Brandjord, Bricker, Caplis, Cowley, Denny, Duffy, English, Fulsher, Gillette, Gillin, Gullidge, Hanson, Hoffman, Holton, Kelly (Pondera), Kenyon, Kinville, Lemmon, McAfee, McCarty, Maury, Murphy, O'Connell, Ostby, Peden, Rodgers, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Swift, Tawney, Terrett, Tierney, Wold, Zuck. Total—46.

### CONSIDERATION OF GENERAL ORDERS

Moved by Goodman, duly seconded and unanimously carried that the rule of the House be suspended and that in the Committee of the Whole the previous question may be ordered by a majority vote at any sitting from now until the end of the session.

Moved by Scharnikow, duly seconded and carried that Substitute for Senate Bill No. 82 be placed on General Orders.

Moved by Gullidge, duly seconded and carried that the House resolve itself into a Committee of the Whole for the consideration of appropriation bills, with the exception of House Bill No. 398, and that same time restrictions be imposed as were in force earlier this afternoon.

Wold in the chair.

Committee arose.

Mr. Speaker pro tem in the chair.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole, having had under consideration bills on General Orders, respectfully report back with the recommendation that:

H. B. No. 365: Do pass.

H. B. No. 400: Be amended as follows:

Section 3 by adding at the end the following: "Provided, however that the provisions of this section shall not apply to the expenditures of the revolving funds of the dormitories and dining rooms; nor to moneys collected for student activities."

And when so amended, do pass.

H. B. No. 401: Do pass.

H. B. No. 402: Do pass.

WOLD, Chairman."

On motion of Wold, report adopted.

### THIRD READING OF HOUSE BILLS

Moved by Boorman, duly seconded and unanimously carried that bills just passed through the Committee of the Whole be considered correctly engrossed and placed on third reading.

H. B. No. 365, by Smith, Leavens, Boorman, Kinville and Terrett, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Arnold, Benedict, Bergstrom, Berryman, Bohling, Boorman, Bricker, Buchanan, Burke, Buttleman, Cady, Carlson (Gallatin), Cavanaugh, Clarke, Davis (Wibaux), Dell, Elliott, English, Goodman, Gullidge, Hawley, Joffray, Johnson, Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, Oker, Peden, Pope, Roscow, Ruffcorn, Seidensticker, Smethurst, Smith, Stoddard, Swift, Terrett, Troy. Total—50.

Noes: Bosley, Pilgeram. Total—2.



Absent and not voting: Armstrong, Baker, Bernard, Brandjord, Bray, Buell, Caplis, Carlson (McCone), Cowley, Cronk, Davis (Fergus), Dean, Denny, Duffy, Facey, Flynn, Fulsher, Gillette, Gillin, Hamilton, Hanson, Harris, Hoffman, Holton, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), McAfee, O'Connell, Ostby, Perrine, Rasmussen, Ridle, Rodgers, Sandy, Scharnikow, Spencer, Stoner, Strange, Taylor, Tawney, Tierney, Wold, Zuck, Mr. Speaker. Total—48.

House Bill No. 400, by the Committee on Appropriations, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Arnold, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bricker, Buchanan, Cady, Carlson (McCone), Cavanaugh, Clarke, Davis (Wibaux), Dean, Dell, English, Facey, Flynn, Goodman, Gullidge, Hawley, Hoffman, Joffray, Johnson, Kennedy, Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Pope, Rodgers, Roscow, Ruffcorn, Sandy, Smethurst, Smith, Stoddard, Terrett, Troy, Wold. Total—57.

Noes: Armstrong, Bosley, Burke, Davis (Fergus), Pilgeram. Total—5.

Absent and not voting: Baker, Brandjord, Bray, Buell, Buttleman, Caplis, Carlson (Gallatin), Cowley, Cronk, Denny, Duffy, Elliott, Fulsher, Gillette, Gillin, Hamilton, Hanson, Harris, Holton, Kelly (Pondera), Kelly (Silver Bow), Kenyon, Kinville, Larson (Richland), Perrine, Rasmussen, Ridle, Scharnikow, Seidensticker, Spencer, Stoner, Strange, Swift, Taylor, Tawney, Tierney, Zuck, Mr. Speaker. Total—38.

H. B. No. 401, by the Committee on Appropriations, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Armstrong, Arnold, Bergstrom, Boorman, Bricker, Buttleman, Carlson (McCone), Clarke, Davis (Wibaux), Dean, Dell, English, Facey, Flynn, Goodman, Gullidge, Hamilton, Hawley, Hoffman, Joffray, Johnson, Kennedy, Kenyon, Larsen (Sheridan), Lease, Leavens, Lemmon, McAfee, McCarty, McCormack, McLeod, Maury, Mushbach, Myrick, Nelson, Oker, Ostby, Peden, Perrine, Pilgeram, Rasmussen, Rodgers, Roscow, Ruffcorn, Sandy, Seidensticker, Smith, Stoddard, Tierney, Troy, Wold. Total—52.

Noes: Bosley. Total—1.

Absent and not voting: Andrus, Baker, Benedict, Bernard, Bohling, Berryman, Brandjord, Bray, Buchanan, Buell, Burke, Cady, Caplis, Carlson (Gallatin), Cavanaugh, Cowley, Cronk, Davis (Fergus), Denny, Duffy, Elliott, Fulsher, Gillette, Gillin, Hanson, Harris, Holton, Kelly (Pondera), Kelly (Silver Bow), Kinville, Larson (Richland), Loble, Murphy, O'Connell, Pope, Ridle, Scharnikow, Smethurst, Spencer, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Zuck, Mr. Speaker. Total—47.

H. B. No. 402, by the Committee on Appropriations, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrus, Arnold, Baker, Benedict, Bergstrom, Bernard, Boorman, Brandjord, Bricker, Buchanan, Buell, Buttleman, Caplis, Carlson (McCone), Cavanaugh, Clarke, Davis (Wibaux), Dean, Dell, Elliott, English, Facey, Gullidge, Hamilton, Hawley, Holton, Joffray, Johnson, Kennedy, Kenyon, Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Oker, Peden, Pilgeram, Pope, Ridle, Smith, Rodgers, Roscow, Ruffcorn, Sandy, Seidensticker, Smethurst, Stoddard, Terrett, Troy, Wold. Total—59.

Noes: Armstrong, Burke, Davis (Fergus). Total—3.

Absent and not voting: Andrew, Bernard, Berryman, Bosley, Bray, Cady, Carlson (Gallatin), Cowley, Cronk, Denny, Duffy, Flynn, Fulsher, Gillette, Gillin, Goodman, Hanson, Harris, Hoffman, Kelly (Pondera), Kelly (Silver Bow), Kinville, Larson (Richland), Nelson, O'Connell, Ostby, Perrine, Rasmussen, Scharnikow, Spencer, Stoner, Strange, Swift, Taylor, Tawney, Tierney, Zuck, Mr. Speaker. Total—38.

Moved by McCarty, duly seconded and carried that House Bill No. 409 be made a special order of business for 8:00 o'clock tonight.

Pope asked unanimous consent to move for appointment of a conference committee. Granted.

Moved by Pope, duly seconded and carried that Senate amendments to House Bill No. 176 be not concurred in and that a conference committee be appointed to confer with a like conference committee from the Senate, and that the Senate be requested to appoint such conference committee.

Moved by Maury, duly seconded and carried that the House recess until 7:30 P. M.

### EVENING SESSION

House resumed at 7:30 P. M.

Mr. Speaker in the chair.

Mr. Speaker gave notice that he was about to sign House Bills Nos. 367, 266, 363, 131, 112, 115, 215, 19, 309, 324, 253, 228, Sub. H. B. No. 43, and 27, respectively, and thereupon signed the same.

Mr. Speaker named the following members of the conference Committee on House Bill No. 176; Bricker, Seidensticker and Pope.

The Committee on Enrollment reported as follows:

"Mr. Speaker:

We, your Committee on Enrollment wish to report House Bills Nos. 27, 43, 215, 228, 253, 324, 309, correctly enrolled.

McAFEE, Chairman."

"Mr. Speaker:

We, your Committee on Enrollment wish to report House Bills Nos. 19, 112, 115, 131, 263, 266, 304, 367, correctly enrolled.

McAFEE, Chairman."

### THIRD READING OF SENATE BILLS

Senate Amendments to H. B. No. 387, were concurred in by the following vote:

Ayes: Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bricker, Buchanan, Burke, Buttleman, Cady, Carlson (McCone), Clarke, Cronk, Davis (Wibaux), Dean, Dell, Elliott, Facey, Goodman, Hamilton, Harris, Hawley, Hoffman, Holton, Joffray, Kennedy, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, McCarty, McCormack, McLeod, Murphy, Mushbach, O'Connell, Ostby, Peden, Perrine, Ridle, Roscow, Ruffcorn, Sandy, Seidensticker, Smith, Spencer, Stoddard, Strange, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Mr. Speaker. Total—59.

Noes: Boorman, Cowley, Davis (Fergus), Duffy, Fulsher, Johnson, Kelly (Pondera), Kinville, Maury, Myrick, Rodgers, Stoner. Total—12.

Absent and not voting: Andrew, Bohling, Bosley, Brandjord, Bray, Buell, Caplis, Carlson (Gallatin), Cavanaugh, Denny, English, Flynn, Gillette, Gillin, Gullidge, Hanson, Kelly (Silver Bow), Kenyon, Loble, McAfee, Nelson, Oker, Pilgeram, Pope, Rasmussen, Scharnikow, Smethurst, Swift, Zuck. Total—29.

Senate Amendments to H. B. No. 280, were concurred in by the following vote:

Ayes: Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Bohling, Boorman, Bray, Bricker, Buchanan, Buttleman, Cady, Caplis, Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Elliott, English, Facey, Fulsher, Goodman, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Kinville, Larsen (Sheridan), Lease, Leavens, Lemmon, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Ostby, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Seidensticker, Smith, Stoner, Taylor, Terrett, Tierney, Troy, Wold. Total—70.

Noes: Duffy, Peden, Scharnikow, Spencer, Mr. Speaker. Total—5.

Absent and not voting: Andrew, Andrus, Berryman, Bosley, Brandjord, Buell, Burke, Carlson (Gallatin), Cowley, Flynn, Gillette, Gillin, Gullidge, Hamilton, Hanson, Kelly (Silver Bow), Larson (Richland), Loble, Oker, Smethurst, Stoddard, Strange, Swift, Tawney, Zuck. Total—25.

The Conference Committee on H. B. No. 40 reported as follows:



"Mr. Speaker:

We, your Joint Conference Committee appointed to consider Senate Amendments to House Bill No. 40, introduced by Facey, being a Bill for an Act entitled:

"An Act to establish a tax on direct and collateral inheritances, bequests and devices; to provide for its assessment and collection; directing the dispositions of the proceeds thereof; and to repeal, subject to certain reservations, Sections 10377 to 10400, both inclusive, of the Revised Codes of Montana of 1921, and all other Acts and parts of Acts in conflict with this Act."

Having had the same under consideration, beg leave to report and recommend as follows:

1. That the Senate recede from its amendment to Section 1, sub-division 4, by which lines 15 to 25, both inclusive, on page 2 of the engrossed bill, were stricken out of the Bill.

2. That the Senate recede from its amendment to Section 4, Sub-division 2, line 16 (which is line 12 of the printed Bill) wherein the figures "\$10.000" and "\$5,000" were stricken out and the figures "\$25,000 and \$15.000" were inserted in lieu thereof. That the Senate also recede from its amendment to said Section 4, Sub-division 2, line 17 (which is line 13 of the printed Bill) wherein the word "ten" was stricken out and the word "twenty-five" was inserted in lieu thereof. That in line 18 (which is line 13 of the printed Bill) wherein the word "five" was stricken out and the word "fifteen" inserted in lieu thereof. And the Committee recommends that said Section 4, Sub-division 2, be amended as follows: In line 16 (which is line 12 of the printed bill) strike out the figures "\$10,000" and insert in lieu thereof the figures "17,500" and in line 17 of said Section 4, Sub-division 2, (which is line 13 of the printed bill) strike out the word "ten" in the original Bill and insert in lieu thereof the word "seventeen" and in the same line after the word "thousand" insert the words "five hundred."

3. The Committee further recommends that the House concur in all other Senate amendments.

HAZELBAKER  
HARMON  
STEWART OF MEAGHER  
SWIFT  
POPE  
FACEY

Motion of Swift to adopt Conference Committee report was carried by the following vote:

Ayes. Andrew, Arnold, Baker, Benedict, Bernard, Bohling, Boorman, Buchanan, Buttlemann, Cady, Caplis, Carlson (McCone), Clarke, Cronk, Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Goodman, Hamilton, Hanson, Harris, Hawley, Hoffman, Holton, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCormack, McLeod, Murphy, Mushbach, Myrick, Nelson, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smith, Spencer, Stoner, Strange, Taylor, Tawney, Terrett, Tierney, Troy, Wold, Mr. Speaker. Total—71.

Noes: Armstrong, Burke, Davis (Fergus), Maury, O'Connell. Total—5.

Absent and not voting: Andrus, Bergstrom, Berryman, Bosley, Brandjord, Bray, Bricker, Buell, Carlson (Gallatin), Cavanaugh, Cowley, Davis (Wibaux), Fulsher, Gillette, Gillin, Gullidge, Joffray, Kennedy, McCarty, Oker, Smethurst, Stoddard, Swift, Zuck. Total—24.

Senate Amendments to H. B. No. 327, were concurred in by the following vote:

Ayes: Andrew, Arnold, Baker, Bernard, Bohling, Boorman, Bricker, Buchanan, Buell, Cady, Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Elliott, English, Facey, Flynn, Harris, Hawley, Holton, Joffray, Johnson, Kenyon, Kinville, Larson (Richland), Lease, Leavens, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Ostby, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Ruffcorn, Sandy, Scharnikow, Seidensticker, Tierney, Troy, Zuck, Mr. Speaker. Total—58.



Noes: Armstrong, Benedict, Burke, Buttleman, Carlson (Gallatin), Cowley, Fulsher, Goodman, Kelly (Pondera), Rodgers, Roseow, Smith. Total—12.

Absent and not voting: Andrus, Bergstrom, Berryman, Bosley, Brandjord, Bray, Caplis, Carlson (McCone), Duffy, Gillette, Gillin, Gullidge, Hamilton, Hanson, Hoffman, Kelly (Silver Bow), Kennedy, Larsen (Sheridan), Lemmon, Oker, Smethurst, Spencer, Stoddard, Stoner, Strange, Swift, Taylor, Tawney, Terrett, Wold. Total—30.

#### SPECIAL ORDERS—CONSIDERATION OF HOUSE BILL NO. 409.

Moved by McCarty, duly seconded and carried that House resolve itself into a Committee of the Whole for the consideration of House Bill No. 409.

Boorman in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

“Mr. Speaker:

We, your Committee of the Whole, having had under consideration House Bill No. 409, respectfully report back with the recommendation that the same be amended as follows:

By striking out in the title the figures XXI and inserting in lieu thereof the figures XXII.

Section 2 by striking out in lines 2 and 3 the figures XXI and inserting in lieu thereof the figures XXII.

Each Section of the proposed article by substituting for the word “Act” wherever it appears the word “Article.”

And when so amended, do pass.

BOORMAN, Chairman.”

On motion of Boorman, report adopted.

Moved by Loble, duly seconded and carried that House Bill No. 409 be considered engrossed and placed on third reading.

The Conference Committee on Sub. for Senate Bills Nos. 1 and 19 reported as follows:

“Mr. Speaker:

We, your Joint Committee appointed to consider Senate Substitute Bills Nos. 1 and 19, introduced by the Committee on Taxation, and being a bill for an Act entitled: “An Act to fix the time and method of collecting taxes and interest thereon, amending Section 2169, 2171, 2174, 2176, 2180, 2181 and 2182 of the Revised Codes of Montana of 1921, and repealing Sections 2175, 2177, 2183 and 2188 of the Revised Codes of Montana of 1921,—all relating to the collection of taxes,” having had the same under consideration, beg leave to report and recommend as follows:

1. That the House recede from its amendment to Section 8.
2. That the Senate concur in all other House Amendments.

Respectfully submitted,

SPEER,  
STEWART of Meagher,  
GRIFFIN,  
HOLTON,  
KENYON,  
KELLY.”

Motion of Holton, to adopt the Conference Committee report, carried by the following vote:

Ayes: Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bricker, Buchanan, Buell, Burke, Buttleman, Cady, Caplis, Carlson (McCone), Cavanaugh, Davis (Fergus), Dean, Dell, Denny, Facey, Flynn, Fulsher, Goodman, Gullidge, Hamilton, Harris, Hawley, Holton, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McCarty, McCormack, McLeod, Maury, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Perrine, Pil-

geram, Pope, Rasmussen, Ridle, Ruffcorn, Seidensticker, Smethurst, Smith, Spencer, Stoner, Strange, Swift, Taylor, Tierney, Troy, Wold, Zuck, Mr. Speaker. Total—72.

Noes: Sandy, Scharnikow. Total—2.

Absent and not voting: Andrew, Bosley, Brandjord, Bray, Carlson (Gallatin), Clarke, Cowley, Cronk, Davis (Wibaux), Duffy, Elliott, English, Gillette, Gillin, Hanson, Hoffman, Joffray, Kennedy, McAfee, Murphy, Peden, Rodgers, Roscow, Stoddard. Tawney, Terrett. Total—26.

### THIRD READING OF SENATE BILLS

Senate Amendments to H. B. No. 225, were concurred in by the following vote:

Ayes: Andrew, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Bohling, Boorman, Bricker, Buchanan, Buell, Burke, Buttelman, Cady, Caplis, Carlson (McCone), Clarke, Davis (Fergus), Dean, Dell, Denny, Elliott, English, Facey, Flynn, Fulsher, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Larsen (Sheridan), Lease, Lemmon, Loble, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Rasmussen, Ridle, Roscow, Ruffcorn, Sandy, Seidensticker, Smethurst, Smith, Spencer, Stoner, Strange, Swift, Taylor, Terrett, Tierney, Wold, Zuck, Mr. Speaker. Total—73.

Noes: None

Absent and not voting: Andrus, Berryman, Bosley, Brandjord, Bray, Carlson (Gallatin), Cavanaugh, Cowley, Cronk, Davis (Wibaux), Duffy, Gillette, Gillin, Hoffman, Kennedy, Kenyon, Kinville, Larson (Richland), Leavens, McAfee, McCarty, Pope, Rodgers, Scharnikow, Stoddard, Tawney, Troy. Total—27.

Senate Amendments to H. B. No. 135, were concurred in by the following vote:

Ayes: Andrew, Armstrong, Arnold, Baker, Benedict, Bergstrom, Berryman, Bohling, Boorman, Bricker, Buchanan, Buell, Burke, Buttelman, Caplis, Cavanaugh, Clarke, Cronk, Davis (Fergus), Dean, Dell, Denny, Elliott, English, Facey, Goodman, Hamilton, Hawley, Hoffman, Holton, Joffray, Kelly (Pondera), Kenyon, Larson (Richland), Larsen (Sheridan), Lease, Loble, McCormack, McLeod, Maury, Mushbach, Myrick, Oker, Ostby, Peden, Perrine, Rasmussen, Ridle, Roscow, Ruffcorn, Sandy, Seidensticker, Smethurst, Smith, Spencer, Stoner, Strange, Tierney, Troy, Wold, Mr. Speaker. Total—61.

Noes: None.

Absent and not voting: Andrus, Bernard, Bosley, Brandjord, Bray, Cady, Carlson (Gallatin), Carlson (McCone), Cowley, Davis (Wibaux), Duffy, Flynn, Fulsher, Gillette, Gillin, Gullidge, Hanson, Harris, Johnson, Kelly (Silver Bow), Kennedy, Kinville, Leavens, Lemmon, McAfee, McCarty, Murphy, Nelson, O'Connell, Pilgeram, Pope, Rodgers, Scharnikow, Stoddard, Swift, Taylor, Tawney, Terrett, Zuck. Total—39.

### HOUSE BILL NO. 409

#### INTRODUCED BY PILGERAM

A BILL FOR AN ACT, ENTITLED: "AN ACT TO PROVIDE FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE STATE OF MONTANA OF AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF MONTANA BY ADDING THERETO AN ARTICLE TO BE KNOWN AS ARTICLE XXII, PROVIDING FOR THE PAYMENT OF ADJUSTED COMPENSATION TO BONA FIDE RESIDENTS OF THE STATE OF MONTANA WHO SERVED ON ACTIVE DUTY IN THE WORLD WAR AND TO SUCH OF SAID PERSONS WHO BEING CITIZENS OF THE UNITED STATES SERVED IN THE NAVAL, MILITARY OR AIR FORCES OF ANY OF THE GOVERNMENTS ASSOCIATED WITH THE UNITED STATES DURING SAID WAR, AND AUTHORIZING THE INCURRING OF INDEBTEDNESS; AUTHORIZING THE ISSUING OF BONDS, PROVIDING FOR THE LEVY OF A TAX.

Be It Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the Constitution of the State of Montana be amended as hereinafter provided, and that the question of such amendment be submitted



to the qualified electors of the State of Montana at the general election to be held in November, 1924.

Section 2. That the Constitution of the State of Montana be and the same is hereby amended by adding thereto an article to be known as Article XXII, and to read as follows:

Section XXII, Section 1. In order to promote the spirit of patriotism and loyalty, in testimony of the gratitude of the State of Montana, and in recognition of the splendid services of Montana men in the war between the United States and the German Empire and its allies, there shall be paid to each person who was regularly called, enlisted, drafted, inducted or commissioned and who served on active duty in the Army, Navy or Marine Corps of the United States between the sixth day of April, Nineteen Hundred and Seventeen and the Eleventh Day of November, Nineteen Hundred Eighteen for a period longer than two months; and to each person who, being a citizen of the United States at the time of entry therein, served on active duty in the naval, military or air forces of any of the governments associated with the United States during the war with the central allied powers between the sixth day of April, Nineteen Hundred Seventeen and the eleventh day of November, Nineteen Hundred Eighteen, for a period longer than two months; and at the time of his call, enlistment, induction, commission or service, was a bona fide resident of the State of Montana, the sum of Ten Dollars (\$10.00) for each month or major fraction thereof that such person was in active service during said war whether before or after November 11, 1918, not to exceed however, a total sum of Two Hundred Dollars (\$200.00); provided, that persons who have received extra compensation from any other state, or nation other than the United States for such active service shall not be entitled to compensation under this Article unless the amount of compensation so received is less than they would be entitled to hereunder, in which event they shall receive the difference between the compensation allowable under this Article and the extra compensation already received from such other state or nation, provided, further, that persons who have received greater compensation than the regular pay of the Army, Navy, or Marine Corps and commutation for quarters and subsistence shall not be entitled to receive compensation under this Article unless the amount of the extra compensation so received is less than they would be entitled to hereunder, in which event they shall receive the difference between the compensation allowable under this article and such extra compensation. In case of death of any such person while in such service an equal amount shall be paid to his surviving widow, if not remarried the time compensation is requested, or in case he left no widow and left children, then to his surviving children, or in the event he left no widow or children, then to his surviving parent or parents. Persons of the female sex, or their surviving children or parents, who are in all other respects within the terms of this Article shall be entitled to compensation thereunder.

Section 2. The word "person" as used in Section 1 of this Article, shall not include persons who, during the period of their service, refused on conscientious, political or other grounds, to subject themselves to full military discipline or unqualified service, or who while in such service, were separated therefrom under circumstances amounting to a dishonorable discharge and who have not subsequently been officially restored to an honorable status, and such person shall not be entitled to the benefits of this Article.

Section 3. All disbursements required by this Article for compensation shall be made upon the presentation of a certificate upon a form to be prescribed by the State Auditor, which certificate shall be duly verified by the claimant under oath and shall set forth the name, residence at the time of entry into the service, date of enlistment, induction or commission, date of discharge or release from active service, if the claimant is not on active duty, a statement that the claimant during the period for which compensation is allowed did not refuse to subject himself to full military discipline and unqualified service and that he has not been separated from the service under circumstances amounting to a dishonorable discharge, and such further information as the State Auditor may require. Such certificate shall be presented to



the State Auditor or his representative together with an honorable discharge or release from active service, or in case of its loss a properly authenticated record of service, or in the event that claimant is still in the service a proper authenticated record of all active service performed by claimant, or if the same be presented by the widow, child or parents of a deceased veteran, then with the proper evidence of death, together with a properly authenticated record of service, and the State Auditor shall endorse upon such discharge, release or record of active service the fact that it was made the basis of the application, and shall return such discharge or release or record of active service to the claimant and shall forthwith draw his warrant in the name of the claimant upon the Veteran's Compensation Fund for an amount equal to Ten Dollars (\$10.00) for each and every month of active service, or major fraction thereof, subsequent to the sixth day of April, Nineteen Hundred Seventeen, not exceeding however a total of Two Hundred Dollars (\$200.00), and the State Treasurer shall pay such warrants from the Veterans' Compensation Fund.

In cases where application for compensation is made by the widow, children or parents of a deceased veteran, such person shall furnish the same information as though the application were made by the deceased veteran, and the State Auditor shall prepare and appropriate form of certificate to cover such cases. Compensation allowed to the children of deceased veterans shall be paid to the guardians of such children, which guardian if appointed by the courts of this state, shall serve without compensation and in the discretion of the court without bond, and it shall be the duty of every county attorney in this state to appear in the courts or render any other necessary legal assistance in behalf of such children in so far as the provisions of this Article are concerned, without compensation and no public officer shall collect any fees in any proceeding brought in behalf of such children to secure compensation under this Article.

The State Auditor is empowered to make such additional reasonable requirements from applicants as are necessary to prevent fraud or the payment of compensation to persons not entitled thereto.

Section 4. The State Auditor shall furnish free of charge, upon application thereof, the necessary form of certificate to all persons entitled thereto, and may establish at different points with the State of Montana offices at which there shall be kept on file for the use of persons covered by this Article, a sufficient number of forms of certificate so that there may be no delay in the payment of this compensation. The State Auditor may authorize the county auditor, or county clerk, or both, of any county of the state to act for him in receiving applications under the provisions of this Article, and shall furnish such person with the proper certificates to enable him to accept such application. The State Auditor is hereby authorized and directed to procure such printing and office supplies and equipment, and to employ such persons as may be necessary in order to properly carry out the provisions of this Article, and all expenses incurred by him in the administration of this Article shall be paid by warrants drawn upon the Veterans' Compensation Fund.

The Adjutant General shall advise with and assist the State Auditor in the performance of the duties of the Auditor under this Article.

Section 5. For the purpose of providing means for the payment of compensation hereunder and for paying the expenses of administration, the State Board of Examiners of the State of Montana is hereby authorized, empowered and directed to issue, from time to time as may be required for the purpose of this Article, bonds of, and in the name of, the State of Montana, to and in the amount of the sum of Four Million Five Hundred Thousand Dollars, (\$4,500,000.00) in excess of the constitutional limitation of indebtedness of the State of Montana, and over and above any bonded indebtedness of said state heretofore created or incurred for which said state is now obligated. The bonds provided for in this Article shall be issued in denomination of One Thousand Dollars (\$1,000.00) each, and shall bear interest at a rate not exceeding five and one-half per cent (5½%) per annum, payable semi-annually on the first days of January and July of each year at the office of the State

Treasurer of the State of Montana or at some bank in a city outside of the State of Montana designated by the State Treasurer; such bonds shall be dated on the first day of January or the first day of July and shall become due and payable twenty (20) years from their date and be redeemable at the option of the State Board of Examiners at any time after ten (10) years from their date at any interest paying period. The bonds herein referred to shall be in such form as may be prescribed by the Attorney General and approved by the State Board of Examiners, and shall be signed by the members of said board and issued under the great seal of the State of Montana, and shall be registered in the office of the State Treasurer. Said bonds shall have interest coupons attached thereto covering the interest due semi-annually, which coupons shall be executed with facsimile signatures of all of the members of the State Board of Examiners, and the signing of said coupons with said facsimile signature shall be recognized as sufficient execution of said coupons on behalf of the State of Montana.

The bonds provided for in this Article shall be disposed of by the State Board of Examiners in such manner as they shall deem for the best interests of the State in carrying out the provisions of this Article; provided, that no bond shall be disposed of for less than its par value.

Bonds issued under the provisions of this Article shall be a legal investment for any of the funds of the State.

Section 6. The money arising from the sale of each issue of bonds shall be deposited in the State Treasury to the credit of a special fund to be known as the "Veterans' Compensation Fund" which shall be used for the payment of the compensation provided in this Article paying the expenses of administration thereof. For the purpose of carrying out the provisions of this Article there is hereby appropriated from the Veterans' Compensation Fund the sum of Four Million Five Hundred Thousand Dollars (\$4,500,000.00) or so much thereof as may be necessary.

Section 7. All payments or allowances made under this Article shall be exempt from all taxation and from levy and sale on execution.

Section 8. That there shall be levied annually a tax not exceeding one mill on the dollar on all property in the State of Montana, subject to taxation, which said tax when collected by the County Treasurers of the counties of the State of Montana shall be by them accounted for and paid into the State Treasury of the State of Montana and to be by the State Treasurer placed in and credited to a fund to be known as the "Veterans' Compensation Bond Retirement Fund" and which fund shall be used exclusively for the payment of the principal and interest accruing on said bonds.

Section 9. No charge made by any agent, notary public or attorney for a service in connection with obtaining the allowance as provided for by this Article shall be recognized by the state and any person who for a consideration discounts or attempts to discount, or for a consideration advances money upon any certificate or certificates issued pursuant to the terms of this Article shall be guilty of a gross misdemeanor.

Section 10. Any person, who with intent to defraud, subscribes to any false oath or makes any false representation, either in the execution of the certificates provided for in this Article or who with intent to defraud, presents to the State Auditor, or to any other officer of the state, any certificate for the purpose of obtaining funds provided for by this Article which do not in fact belong to such person, or makes any false representation in connection with obtaining any funds under the terms of this Article, shall be guilty of a felony.

Section 11. The Legislature may provide additional means for raising moneys for the payment of the interest and principal of said bonds and this Article shall not be deemed to provide an exclusive method for such payment.

Section 3. That separate official ballots be provided at the general election to be held in November, 1924, which shall have printed thereon the words



For the amendment to the Constitution relating to the payment of adjusted compensation to bona fide residents of the State of Montana who served on active duty in the Army, Navy, or Marine Corps of the United States in the world war, and to such of said persons who, being citizens of the United States, served in the Naval, Military or Air forces of any of the governments associated with the United States during said war; authorizing the incurring of an indebtedness; authorizing the issuing of bonds in an amount not to exceed Four Million Five Hundred Thousand Dollars (\$4,500,000.00), and providing for the levy of a tax.

Against the amendment to the constitution relating to the payment of adjusted compensation to bona fide residents of the State of Montana who served on active duty in the Army, Navy, Marine Corps, of the United States in the world war, and to such said persons who, being citizens of the United States served in the Naval, Military or Air forces of any of the Governments, associated with the United States during said war; authorizing the incurring of an indebtedness; authorizing the issuing of bonds in an amount not to exceed Four Million Five Hundred Thousand Dollars (\$4,500,000.00), and providing for the levy of a tax.

Each elector shall designate his preference by making an "X" before the proposition for which said elector desires to vote.

Section 4. That the votes cast for and against the amendment above proposed shall be canvassed and determined as provided and determined as provided by the general election laws of the State of Montana.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall take effect upon its passage and approval.

The foregoing H. B. No. 409, by Pilgeram, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bray, Bricker, Buell, Burke, Buttleman, Cady, Caplis, Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Fergus), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Fulsher, Goodman, Gullidge, Hamilton, Harris, Hawley, Holton, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Smethurst, Smith, Spencer, Stoner, Strange, Taylor, Terrett, Tierney, Troy, Mr. Speaker. Total—80.

Noes: Cowley, Peden, Sandy, Wold. Total—4.

Absent and not voting: Bosley, Brandjord, Buchanan, Carlson (Gallatin), Davis (Wibaux), Gillette, Gillin, Hanson, Hoffman, McAfee, Scharnikow, Seidensticker, Stoddard, Swift, Tawney, Zuck. Total—16.

#### CONSIDERATION OF GENERAL ORDERS.

Moved by Gullidge, duly seconded and carried that the House resolve itself into a Committee of the Whole for the consideration of appropriation bills with the exception of H. B. No. 398, under the rules and restrictions of the last few days.

Kelly of Pondera in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole, having had under consideration bills on General Orders, respectfully report back with the recommendation that:

H. B. No. 403: Do pass.

That the Committee arise and report progress.

KELLY of Pondera, Chairman."

On motion of Kelly of Pondera, report adopted.

The following communication from the Senate was read:



"Helena, Montana, March 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that on motion duly made and seconded, Senate requests that House Bill No. 40 be returned for further consideration relative to Section No. 23 of said bill, as per attached motion, and for no other purpose whatsoever.

Respectfully,

J. F. CONE, Secretary of the Senate."

"March 1, 1923.

Mr. President:

I move you that the House be requested to return to the Senate, House Bill No. 40, for the purpose of permitting the Senate to amend Section 23, of said House Bill No. 40 as follows:

1. By striking out in line 25, page 29 of the engrossed bill, the word and figure, "ten" and insert in lieu thereof the word and figure "fifty" and by striking out in line 29 on page 29 of said engrossed bill, the word and figure, "ninety" and insert in lieu thereof the word and figure, "fifty" and that the House be requested to return said bill to the Senate for such purpose and for no other purpose whatsoever.

(signed) HAZELBAKER."

Moved by Swift, duly seconded and carried that the House accede to the request of the Senate and return House Bill No. 40.

The conference committee on Senate Bill No. 41 reported as follows:

"Mr. Speaker:

Your Conference Committee appointed to meet with a like Committee from the Senate on House Bill No. 41, beg leave to report as follows:

The House agrees to recede from their amendment striking out 3652, 3653, 3672 in the title of the Bill and reinserting in the title of the Bill 3652 and 3653.

The House recedes from their amendment striking out Section 1 and also striking out all of the House Amendments to Section 1.

The House agrees to recede from their amendment striking out Section 2, with all House Amendments thereto and reinserting Section 2 with the following amendment by inserting in line 30 of Section 2, after the word "Hatcheries" the following words "Game Farms."

The Senate agrees to the House Amendment to Section 3, which strikes out Section 3.

The House agrees to cut out all of that portion of the Amendment to Section 7, page 12, line 13, beginning with the word "and," after the word "north," including the rest of said Amendment.

The House agrees to cut out all of that portion of their Amendment to Section 8, page 14 in line 6 beginning with the word "and" after the word "north" and including the rest of the Amendment.

The House agrees to recede from their amendment to Section 8, page 13, which reads as follows: "By striking out in lines 20, 21 and 22, the following "except in the Counties of Lincoln, Flathead, Sanders, Ravalli and Mineral, in which counties any person can kill one deer of any age or sex."

The Conference Committee recommends that Section 5, line 5, page 9 be amended by inserting after the word "used" the following words: "in co-operation with either the State Livestock Commission, United States Biological Survey, or any other State Department."

The Senate agrees to concur in all House Amendments to Section 4.

The Senate agrees to concur in all House Amendments to Section 5.

The Senate agrees to concur in all House Amendments to Section 6.

The Senate agrees to concur in House Amendments adding a new section between Section 6 and 7.

Senate concurs in all other House Amendments to Section 7.

The Senate concurs in all House Amendments to Section 11.

The Senate concurs in all House Amendments to Section 13.

The Senate concurs in all House Amendments to Section 16.

The Senate concurs in all House Amendments to Section 17.

The Senate concurs in House Amendment adding Section 17½.

The Senate concurs in all House Amendments to Section 24.

The Senate concurs in all House Amendments to Section 25.

The Conference Committee agrees to renumber all Sections in consecutive numbers.

KIRTON,  
HEREN,  
WALKER,  
DAVIS of Wibaux,  
STODDARD,  
BRICKER."

On motion of Davis of Wibaux, report was adopted by the following vote:

Ayes: Andrew, Andrus, Arnold, Baker, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bray, Bricker, Buchanan, Buell, Buttleman, Cady, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cowley, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Flynn, Fulsher, Goodman, Gullidge, Hamilton, Harris, Hawley, Hoffman, Holton, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Lease, Leavens, Lemmon, Loble, McLeod, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Spencer, Rasmussen, Rodgers, Ruffcorn, Sandy, Scharnikow, Smethurst, Smith, Stoddard, Stoner, Strange, Taylor, Terrett, Tierney, Wold, Zuck, Mr. Speaker. Total—77.

Noes: Armstrong, Burke. Total—2.

Absent and not voting: Benedict, Bosley, Brandjord, Caplis, Facey, Gillette, Gillin, Hanson, Joffray, Larsen (Sheridan), McAfee, McCarty, McCormack, Maury, Pope, Ridle, Roscow, Seidensticker, Swift, Tawney, Troy. Total—21.

Mr. Speaker gave notice that he was about to sign Sub. S. B. No. 61, and Senate Bills Nos. 142, 100, 43, 104, 123, 171, 149, 79, 85, 124, and 180, respectively, and thereupon signed the same.

Moved by Gullidge, duly seconded and carried that the House again resolve itself in a Committee of the Whole to resume its work on General Orders.

Kelly of Pondera in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole, having had under consideration bills on General Orders, respectfully report back with the recommendation that:

H. B. No. 404: Do pass.

H. B. No. 405: Do pass.

H. B. No. 406: Be amended as follows:

Section 1 by adding "For the payment of all salaries and expenses of the Carey Land Act Board, to be paid from the Carey Land Act Board Fund, Three Thousand and Ninety two Dollars and fifty cents \$3092.50."

Section 2 by adding "for the payment of all salaries and expenses of the Carey Land Act Board, to be paid from the Carey Land Act Board Fund, Three Thousand and Ninety two Dollars and fifty cents \$3092.50."

Section 2 by striking out in line 6 the words and figures "Ten Thousand One Hundred Forty Five Dollars \$10,145.00", and inserting in lieu thereof the words and figures "Fourteen Thousand Dollars \$14,000.00."

Section 1 by striking out in line 6 the words and figures "Ten Thousand One Hundred Forty five Dollars \$10,145.00" and insert in lieu thereof the words and figures "Fourteen Thousand Dollars \$14,000.00."

And when so amended, do pass.

H. B. No. 407: Do pass.

H. B. No. 408: Be amended as follows:

Section 1 line 10 and 11 to read as follows: "For the salaries and expenses of the office of the State Board of Health, thirty four thousand nine hundred eighty five dollars (\$34,985.00)."

Add to the end of Section 1 after the line 31 the following: "For the salaries and expenses of the State Board of Health to match the Federal Appropriation under the Sheppard-Towner Act, Eight thousand, seven hundred one dollars, ninety-two cents (\$8,701.92)."

Amend Section 2, lines 10 and 11, as above.

Add to the end of section 2 after line 31 as above.

And when so amended, do pass.

H. B. No. 410: Be amended as follows:

By striking out all of section 4.

And when so amended, do pass.

H. B. No. 411: Do pass.

H. B. No. 412: Do pass.

H. B. No. 413: Do pass.

KELLY of Pondera, Chairman."

On motion of Kelly of Pondera, report adopted.

Moved by Gullidge, duly seconded and carried that all House Bills just passed on General Orders be considered correctly engrossed and placed on third reading.

The following communications from the Senate were read:

"Helena, Montana, March 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 40, was this day read third time and concurred in as amended, title agreed to, and is herewith transmitted to the House for concurrence in Senate Amendments.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, March 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 394 was on motion duly seconded and carried, rejected from consideration by the Senate for the reason that it was not an appropriation bill and, therefore could not be considered under Senate Rule No. 40. Bill is herewith returned.

Very respectfully,

J. F. CONE, Secretary of the Senate."

Upon request of Gullidge, and with unanimous consent, reverted to:

### THIRD READING OF HOUSE BILLS

Senate Amendments to H. B. No. 40 were concurred in by the following vote:

Ayes: Arnold, Baker, Bergstrom, Bernard, Bohling, Boorman, Bricker, Buchanan, Buell, Buttleman, Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Flynn, Goodman, Gullidge, Hamilton, Harris, Hawley, Hoffman, Joffray, Johnson, Larson (Richland), Lease, Loble, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, O'Connell, Oker, Peden, Perrine, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Smethurst, Seidensticker, Smith, Spencer, Stoddard, Strange, Swift, Terrett, Tierney, Troy, Wold, Mr. Speaker. Total—63.

Noes: Burke, Facey, Holton, Kenyon, Larsen (Sheridan), Pilgeram, Stoner. Total—7.

Absent and not voting: Andrew, Andrus, Armstrong, Benedict, Berryman, Bosley, Brandjord, Bray, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cowley, Fulsher, Gillette, Gillin, Hanson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kinville, Leavens, Lemmon, McAfee, McCarty, Nelson, Ostby, Taylor, Tawney, Zuck. Total—30.

H. B. No. 403, by Appropriations Committee, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bray, Bricker, Buchanan, Buell, Buttleman, Cady, Caplis, Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Goodman, Gullidge, Hamilton, Hawley, Holton, Joffray, Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan),



Lease, Leavens, Loble, McCarty, McCormack, McLeod, Murphy, Mushbach, Myrick, Ostby, Peden, Perrine, Pilgeram, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Seidensticker, Smethurst, Smith, Spencer, Stoner, Strange, Terrett, Tierney, Troy, Wold, Mr. Speaker. Total—69.

Noes: Burke, Maury, O'Connell, Oker, Scharnikow, Stoddard. Total—6.

Absent and not voting: Andrew, Andrus, Armstrong, Bosley, Brandjord, Carlson (Gallatin), Carlson (McCone), Cowley, Fulsher, Gillette, Gillin, Hanson, Harris, Hoffman, Johnson, Kelly (Pondera), Kelly (Silver Bow), Lemmon, McAfee, Nelson, Pope, Swift, Taylor, Tawney, Zuck. Total—25.

H. B. No. 404, by Appropriations Committee, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Armstrong, Arnold, Berryman, Bohling, Boorman, Bricker, Buchanan, Buell, Burke, Buttleman, Cady, Caplis, Carlson (McCone), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Goodman, Gullidge, Hamilton, Hawley, Holton, Joffray, Johnson, Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Loble, Mushbach, Myrick, Ostby, Peden, Perrine, Pilgeram, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Smethurst, Spencer, Stoddard, Stoner, Strange, Taylor, Tierney, Wold, Mr. Speaker. Total—57.

Noes: None.

Absent and not voting: Andrew, Andrus, Baker, Benedict, Bergstrom, Bernard, Bosley, Brandjord, Bray, Carlson (Gallatin), Cavanaugh, Clarke, Cowley, Cronk, Davis (Fergus), Fulsher, Gillette, Gillin, Hanson, Harris, Hoffman, Kelly (Pondera), Kelly (Silver Bow), Lemmon, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Nelson, O'Connell, Oker, Pope, Rasmussen, Ridle, Seidensticker, Smith, Swift, Tawney, Terrett, Troy, Zuck. Total—43.

Moved by Bray, duly seconded that two thousand copies of the Governor's message be printed.

Moved by Goodman, duly seconded and carried that the motion be laid upon the table.

Moved by Bray, duly seconded that one thousand copies of the Governor's message be printed.

Moved by Maury, duly seconded and carried that the motion be laid upon the table.

H. B. No. 405, by Appropriations Committee, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Baker, Benedict, Bernard, Bohling, Bray, Bricker, Buchanan, Buell, Buttleman, Cady, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Wibaux), Dean, Dell, Denny, English, Facey, Flynn, Fulsher, Goodman, Gullidge, Hawley, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Loble, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Taylor, Terrett, Tierney, Wold, Mr. Speaker. Total—71.

Noes: Burke, Cowley, Davis (Fergus), Duffy. Total—4.

Absent and not voting: Armstrong, Arnold, Bergstrom, Berryman, Boorman, Bosley, Brandjord, Caplis, Elliott, Gillette, Gillin, Hamilton, Hanson, Harris, Hoffman, Holton, Lemmon, McAfee, McCarty, Pope, Seidensticker, Swift, Tawney, Troy, Zuck. Total—25.

H. B. No. 406, by Appropriations Committee, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Baker, Benedict, Bricker, Buchanan, Buell, Buttleman, Cady, Caplis, Cavanaugh, Clarke, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Elliott, English, Facey, Flynn, Fulsher, Goodman, Gullidge, Hamilton, Hawley, Holton, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kinville, Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McCormack, McLeod, Murphy, Mushbach, Myrick, Oker, Ostby, Peden, Perrine, Pilgeram, Rasmussen, Rodgers, Ruffcorn, Sandy, Scharnikow, Smethurst, Smith, Spencer, Stoner, Taylor, Terrett, Troy, Mr. Speaker. Total—59.

Noes: Armstrong, Burke, Duffy, Cowley, Maury, Nelson, Roscow. Total—7.

Absent and not voting: Andrus, Arnold, Bergstrom, Bernard, Berryman, Bohling, Boorman, Bosley, Brandjord, Bray, Carlson (Gallatin), Carlson (McCone), Gillette, Gillin, Hanson, Harris, Hoffman, Joffray, Kennedy, Kenyon, Larson (Richland), McAfee, McCarty, O'Connell, Pope, Ridle, Seidensticker, Stoddard, Strange, Swift, Tawney, Tierney, Wold, Zuck. Total—34.

H. B. No. 407, by Appropriations Committee, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Armstrong, Berryman, Bray, Buchanan, Burke, Buttleman, Cady, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, English, Facey, Flynn, Goodman, Gullidge, Hamilton, Hawley, Hoffman, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Oker, Ostby, Peden, Perrine, Nelson, Pilgeram, Rasmussen, Ridle, Rodgers, Ruffcorn, Sandy, Seidensticker, Smethurst, Smith, Spencer, Stoner, Strange, Taylor, Terrett, Tierney, Mr. Speaker. Total—64.

Noes: Cowley, Duffy, Scharnikow. Total—3.

Absent and not voting: Arnold, Baker, Benedict, Bergstrom, Bernard, Bohling, Boorman, Bosley, Brandjord, Bricker, Buell, Caplis, Clarke, Elliott, Fulsher, Gillette, Gillin, Hanson, Harris, Holton, Kennedy, Kenyon, McAfee, McCarty, O'Connell, Pope, Roscow, Stoddard, Swift, Tawney, Troy, Wold, Zuck. Total—33.

H. B. No. 408, by Appropriations Committee, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrus, Baker, Bray, Buchanan, Buttleman, Cady, Clarke, Cronk, Davis (Wibaux), Dean, Dell, Denny, English, Facey, Flynn, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kinville, Larson (Richland), Larsen (Sheridan), Leavens, Loble, McCormack, McLeod, Maury, Murphy, Myrick, Nelson, Oker, Ostby, Peden, Pilgeram, Rasmussen, Rodgers, Roscow, Ruffcorn, Seidensticker, Smethurst, Smith, Stoner, Strange, Taylor, Tawney, Terrett, Tierney, Mr. Speaker. Total—55.

Noes: Andrew, Armstrong, Berryman, Cowley, Davis (Fergus), Duffy, Mushbach, Scharnikow, Troy, Wold. Total—10.

Absent and not voting: Arnold, Benedict, Bergstrom, Bernard, Bohling, Boorman, Bosley, Brandjord, Bricker, Buell, Burke, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Elliott, Fulsher, Gillette, Gillin, Hoffman, Kennedy, Kenyon, Lease, Lemmon, McAfee, McCarty, O'Connell, Perrine, Pope, Ridle, Sandy, Spencer, Stoddard, Swift, Zuck. Total—35.

H. B. No. 410, by Appropriations Committee, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Arnold, Baker, Benedict, Bergstrom, Bernard, Bohling, Bray, Buchanan, Buttleman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Cowley, Cronk, Davis (Wibaux), Dean, Duffy, English, Facey, Flynn, Goodman, Gullidge, Hamilton, Hawley, Holton, Joffray, Johnson, Kelly (Silver Bow), Kinville, Larsen (Sheridan), Lease, Leavens, Lemmon, McCarty, McLeod, Murphy, Mushbach, Myrick, Oker, Pilgeram, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Smith, Stoddard, Dell, Stoner, Strange, Taylor, Tawney, Terrett, Mr. Speaker. Total—60.

Noes: Armstrong, Berryman, Davis (Fergus), Nelson, Smethurst. Total—5.

Absent and not voting: Boorman, Bosley, Brandjord, Bricker, Buell, Burke, Clarke, Denny, Elliott, Fulsher, Gillette, Gillin, Hanson, Harris, Hoffman, Kelly (Pondera), Kennedy, Kenyon, Larson (Richland), Loble, McAfee, McCormack, Maury, O'Connell, Ostby, Peden, Perrine, Pope, Seidensticker, Spencer, Swift, Tierney, Troy, Wold, Zuck. Total—35.

H. B. No. 411, by Appropriations Committee, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Armstrong, Arnold, Benedict, Bergstrom, Berryman, Bohling, Buchanan, Buttleman, Cady, Carlson (McCone), Cavanaugh, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Elliott, Facey, Flynn, Goodman, Gullidge, Hawley, Holton, Johnson, Kennedy, Kinville, Larsen (Richland), Larsen (Sheridan), Lease,



Leavens, Lemmon, McCarty, McCormack, McLeod, Murphy, Myrick, Ostby, Peden, Perrine, Pilgeram, Rodgers, Sandy, Scharnikow, Smethurst, Smith, Spencer, Stoner, Taylor, Tierney, Mr. Speaker. Total—50.

Noes: Andrew, Cowley, Joffray, Maury, Mushbach, Oker, Terrett. Total—7.

Absent and not voting: Andrus, Baker, Bernard, Boorman, Bosley, Brandjord, Bray, Bricker, Buell, Burke, Caplis, Carlson (Gallatin), Clarke, Denny, Duffy, English, Fulsher, Gillette, Gillin, Hamilton, Hanson, Harris, Hoffman, Kelly (Pondera), Kelly (Silver Bow), Kenyon, Loble, McAfee Nelson, O'Connell, Pope, Rasmussen, Ridle, Roscow, Ruffcorn, Seidensticker, Stoddard, Strange, Swift, Tawney, Troy, Wold, Zuck. Total—43.

H. B. No. 412, by Appropriations Committee, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrus, Arnold, Bernard, Berryman, Bohling, Bray, Buchanan, Buttleman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cowley, Davis (Wibaux), Dell, Duffy, Elliott, English, Facey, Flynn, Gullidge, Hawley, Hoffman, Holton, Joffray, Johnson, Kinville, Larson (Richland), Larsen (Sheridan), Leavens, Lemmon, McAfee, McCarty, McLeod, Mushbach, Myrick, Peden, Pilgeram, Ridle, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Stoddard, Taylor, Tawney, Terrett, Tierney, Troy, Mr. Speaker. Total—55.

Noes: Andrew, Armstrong, Maury, Oker. Total—4.

Absent and not voting: Baker, Benedict, Bergstrom, Boorman, Bosley, Brandjord, Bricker, Buell, Burke, Cronk, Davis (Fergus), Dean, Denny, Fulsher, Gillette, Gillin, Goodman, Hamilton, Hanson, Harris, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Lease, Loble, McCormack, Murphy, Nelson, O'Connell, Ostby, Perrine, Pope, Rasmussen, Rodgers, Spencer, Stoner, Strange, Swift, Wold, Zuck. Total—41.

H. B. No. 413, by Appropriations Committee, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrus, Armstrong, Arnold, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Buchanan, Buttleman, Caplis, Cavanaugh, Clarke, Cowley, Cronk, Davis (Fergus), Denny, Elliott, Facey, Goodman, Gullidge, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McLeod, Murphy, Mushbach, Myrick, Oker, Ostby, Peden, Perrine, Rasmussen, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smith, Stoner, Taylor, Tierney, Troy, Mr. Speaker. Total—57.

Noes: Maury. Total—1.

Absent and not voting: Andrew, Boorman, Bosley, Brandjord, Bray, Bricker, Buell, Burke, Cady, Carlson (Gallatin), Carlson (McCone), Davis (Wibaux), Dean, Dell, Duffy, English, Flynn, Fulsher, Gillette, Gillin, Hamilton, Hanson, Harris, Kennedy, Kenyon, Kinville, McCormack, Nelson, O'Connell, Pilgeram, Pope, Ridle, Rodgers, Smethurst, Spencer, Stoddard, Strange, Swift, Tawney, Terrett, Wold, Zuck. Total—42.

The following Senate communications were received:

"Helena, Montana, March 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 119, was this day read third time and concurred in as amended, title agreed to and is herewith transmitted to the House for concurrence in Senate Amendments.

Amend in Section 5 by striking out in line 2 the word "sixty" and inserting in lieu thereof the word "Seventy."

Amend Section 6 by striking out in line 2 all of the words from "and also" and including "exclusive of a homestead."

Respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, March 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 8, was this day read third time and concurred in as amended, title



agreed to and is herewith returned to the House for concurrence in Senate Amendments.

Very respectfully,  
J. F. CONE, Secretary of the Senate."

"Helena, Montana, March 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Substitute for House Bill No. 101 was this day read third time and concurred in as amended title agreed to and is herewith transmitted to the House for concurrence in Senate Amendments.

Very respectfully,  
J. F. CONE, Secretary of the Senate."

"Helena, Montana, March 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 49 was this day read third time and concurred in as amended title agreed to, and the same is herewith returned to the House for concurrence in Senate Amendments.

Very respectfully,  
J. F. CONE, Secretary of the Senate."

"Helena, Montana, March 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 217 was this day read third time and concurred in as amended, title agreed to, and is herewith returned to the House for concurrence in Senate Amendments.

Very respectfully,  
J. F. CONE, Secretary of the Senate."

"Helena, Montana, March 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bill No. 5 introduced by Clark was this day read third time and passed, by the necessary two-thirds vote of the membership of the Senate, title agreed to, and herewith transmitted to the House for concurrence.

Respectfully,  
J. F. CONE, Secretary of the Senate."

"Helena, Montana, March 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 249 was this day read third time and concurred in as amended, title agreed to and herewith transmitted to the House for concurrence in Senate amendments.

#### AMENDMENTS:

Amend in Section 2 by striking out in line 7 the word "(10%) ten per cent" and inserting in lieu thereof the words and figures "twenty per cent (20%)."

Amend Section 8, line 23 of the original bill by striking out the words "first day of July" and inserting in lieu thereof "last day of June."

Amend Section 8 by striking out in line 33 "first day of July" and inserting in lieu thereof "last day of June."

Amend Section 44 by inserting in line 32 of the original bill after the word "director" the words "to be appointed by the commission without definite term" and change the letter "s" to the letter "c" in the word "director" in line 32.

Amend Section 95, line 12 of the original bill by striking out the word "chosen" and inserting in lieu thereof "nominated and elected."

Amend Section 97 by striking out in line 2 the word "fifth" and inserting in lieu thereof the word "tenth."

Amend Section 107 by adding the end thereof the following "at the times and in the manner provided by the general laws of the state."

Amend Section 112 by striking out in line 32 the words "clerk of the commission," and inserting in lieu thereof "director of the department of law."

Respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, March 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 180 was this day read third time and concurred in as amended, title agreed to and is herewith transmitted to the House for concurrence in Senate amendments.

#### AMENDMENTS:

Amend by striking out in the title line 2 the figures 11084 all the rest of the line 2, all of line 3 and the figures 11099 and 11104 of line 4.

Amend in section 2 by striking out in line 10 of the printed bill the words "or without."

Strike out all of Section 1 and renumber all remaining Sections. Strike out all of section 6 and in lieu thereof insert the words "all acts and parts of acts in conflict herewith are hereby repealed."

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, March 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 231 was this day read third time and concurred in as amended, title agreed to, and is herewith returned to the House for concurrence in Senate Amendments;

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, March 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 281 introduced by Committee on Livestock and Public Ranges, was this day read third time and concurred in, title agreed to, and the same is herewith returned to the House for concurrence in Senate Amendments:

#### AMENDMENT:

Amend Section 2 by adding after the word "Unknown" in line 5 the following words, "And not the property of the defendant."

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, March 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 354 was this day read third time and concurred in as amended, title agreed to, and is herewith transmitted to the House for concurrence in Senate Amendments.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, March 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 373, was this day read third time and concurred in as amended, title agreed to, and is herewith returned to the House for concurrence in Senate Amendments.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, March 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 375 was this day read third time and concurred in, title agreed to and the same is herewith returned to the House.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, March 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 323, introduced by Wold, Leavens, Buchanan, Berryman and Benedict, was this day read third time and concurred in title agreed to, and same is transmitted to the House.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, March 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following House Bills were this day read third time and concurred in, title agreed to and are herewith returned to the House.

House Bill No. 155.

House Bill No. 154.

Respectfully,

J. F. CONE, Secretary of the Senate."

Moved by Gullidge, duly seconded and carried that Senate Bill No. 5 be placed on general orders.

The following communication from the Governor was read:

"Helena, Montana, March 1. 1923.

The Speaker,

House of Representatives,

Helena, Montana.

I have the honor to advise you that I have this day signed the following House Bills:

No. 115—Relating to gates and fences and prescribing punishment for violation of the same.

No. 228—Relating to refunding fare to students.

No. 266—Forbidding the sale of milk to which has been added any fat or oil other than milk fat.

No. 324—Relating to the arrest or taking into custody of juvenile delinquents, and the proceedings to be had therein.

No. 367—Appropriating money for the return of the inheritance of Giusepp Marchi, which has escheated to the State under the mistake that no heir existed.

JOS. M. DIXON, Governor."

Moved by Gullidge, duly seconded and carried that the House resolve itself into a Committee of the Whole for the consideration of House Bill No. 398 and Senate bills under the same restrictions as previously today imposed.

Wold in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

"Mr. Speaker:

We, your Committee of the Whole, having had under consideration bills on General Orders, respectfully report back with the recommendation that:

H. B. No. 398: Be amended as follows:

By striking out lines 12 and 15 inclusive and inserting in lieu thereof: "Provided that the balance or remainder of said Highway Fund not required to satisfy the above specific appropriations, but not to exceed the sum of one hundred fifty thousand dollars (\$150,000), be and the same is hereby appro-



apriated for deposit to the credit of the Highway Trust Fund to be used for the construction, supervision and inspection of Federal Aid Projects according to the following ratio of financial participation in the cost thereof; State 15 per cent, counties 32 per cent, Federal Government 53 per cent.

Section 2 by striking out lines 13 and 16 inclusive and inserting in lieu thereof: "Provided that the balance or remainder of said Highway Fund not required to satisfy the above specific appropriations, but not to exceed the sum of one hundred fifty thousand dollars (\$150,000), be and the same is hereby appropriated for deposit to the credit of the Highway Trust Fund to be used for the construction, supervision and inspection of Federal Aid Projects according to the following ratio of financial participation in the cost thereof: State 15 per cent, counties 32%, Federal Government 53%."

Section 1 and 2 by adding at the close of both sections the words, using same language, "Provided, however, any balance in the State Highway Fund, after satisfying the above named specific appropriations, or so much thereof as may be required, must be transferred to the General Fund of the State.

And when so amended do pass.

S. B. No. 183: Be concurred in.

S. B. No. 49: Be concurred in.

S. B. No. 93: Be concurred in.

S. B. No. 146: That the enacting clause be stricken out.

S. B. No. 167: Be concurred in.

S. B. No. 208: Be concurred in.

S. B. No. 80: Be concurred in.

S. B. No. 153: Be concurred in.

S. B. No. 45: Be concurred in.

S. B. No. 194: Be amended as follows:

Section 4 by adding the following: "Provided, further that 10 percent of the moneys so collected from the United States shall be paid to the State of Montana to compensate the State for its services in assisting in such collection."

And when so amended, be concurred in.

S. B. No. 158: Be amended as follows:

Section 1 by striking out in line 6 the words "one year" and inserting in lieu thereof the words "six months."

And when so amended, be concurred in.

S. B. No. 150: That the enacting clause be stricken out.

S. B. No. 64: Be amended as follows:

Section 2 by striking out all line 9 of printed bill after the first word "report" and all of line 10 down to the words "The County Treasurer" and inserting in lieu thereof the words "levy upon and take into his possession such personal property against which a tax is assessed and proceed to sell the same in the same manner as property is sold on execution by the Sheriff, and the County Treasurer may for the purpose of making such levy and sale, designate and appoint the Sheriff as his deputy and such Sheriff shall be entitled to receive the same fees, as entitled in making a seizure and sale under execution. For the purpose of determining the taxes due on such personal property, the treasurer must use the levy made during the previous year, if the levy for the current year has not yet been made.

Section 2 by striking out in line 11 and 12 of printed bill the words "within the county which, through his failure or neglect, are not collected" and inserting in lieu thereof the words "remaining uncollected by reason of the wilful failure and neglect of such treasurer to levy upon and sell such personal property for taxes levied thereon."

And when so amended, be concurred in.

S. B. No. 5: Be concurred in.

Sub. S. B. No. 82: Be concurred in.

Sen. Amendments to H. B. No. 84: Be concurred in.

WOLD, Chairman."

Moved by Boorman, duly seconded and carried that the report be considered read at length.

Moved by Wold, duly seconded that report be adopted.

Moved by Tawney, duly seconded that House Bill No. 84 be segregated from the report.

Tawney having demanded a roll call, duly seconded, the motion to segregate failed, the vote being as follows:

Ayes: Bergstrom, Bray, Carlson (McCone), Facey, Flynn, Goodman, Hanson, Holton, Larsen (Sheridan), McCarty, McCormack, Maury, Ostby, Pilgeram, Ruffcorn, Sandy, Smethurst, Strange, Swift, Tawney. Total—20.

Noes: Andrew, Armstrong, Benedict, Berryman, Boorman, Brandjord, Brickner, Buchanan, Burke, Buttleman, Caplis, Carlson (Gallatin), Cavanaugh, Clarke, Davis (Fergus), Davis (Wibaux), Dean, Dell, Duffy, English, Fulsher, Gullidge, Hamilton, Hoffman, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Lease, Leavens, Lemmon, Loble, McLeod, Mushbach, Myrick, Nelson, Oker, Peden, Perrine, Pope, Rasmussen, Ridle, Scharnikow, Seidensticker, Smith, Spencer, Terrett, Tierney, Troy, Mr. Speaker. Total—53.

Absent and not voting: Andrus, Arnold, Baker, Bernard, Bohling, Bosley, Buell, Cady, Cowley, Cronk, Denny, Elliott, Gillette, Gillin, Harris, Hawley, Larson (Richland), McAfee, Murphy, O'Connell, Rodgers, Roscow, Stoddard, Stoner, Taylor, Wold, Zuck. Total—27.

Question then arising on the motion to adopt the report of the Committee of the Whole, same carried.

The Printing Committee reported as follows:

"Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bill No. 413, beg leave to report that the same has this date been returned from the printer correctly printed.

BRAY, Chairman."

The following communications were received from the Senate:

"Helena, Montana, March 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following House Bills were this day reported for non-concurrence by standing committees. Reports adopted and bills are herewith returned to the House.

House Bill No. 353.

House Bill No. 193.

House Bill No. 153.

House Bill No. 186.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, March 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee of the Whole this day reported and recommended that the enacting clause of House Bill No. 286 be stricken out. Report adopted and Bill is herewith returned to the House.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, March 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following standing committees this day reported as follows; reports adopted.

Committee on Compensation; House Bill No. 186, introduced by Stoner; recommend same be not concurred in.

Committee on Compensation; House Bill No. 153, introduced by Loble; recommend same be not concurred in.

Committee on Compensation; House Hill No. 251, introduced by Stoner; recommend same be concurred in.

Committee on Compensaiton; House Bill No. 183, introduced by Caplis; recommend by Industrial Accident Board that same be concurred in.

Committee on Compensation; House Bill No. 193, introduced by Cady; recommend same be not concurred in.

Committee on Roads and Highways; House Bill No. 353, introduced by same; recommend same be not concurred in.

Very respectfully,

J. F. CONE, Secretary of the Senate."

Moved by Gullidge, duly seconded and carried that the House revert to:

### THIRD READING OF HOUSE BILLS.

Moved by Gullidge, duly seconded and carried that the Senate amendments to House Bill No. 101 be considered read at length.

Moved by Gullidge, duly seconded and unanimously carried that the Senate amendments to House Bill No. 101 be concurred in by a viva voce vote.

Moved by Gullidge, duly seconded and carried that the Senate amendments to House Bill No. 119 be considered read at length.

Moved by Gullidge, duly seconded and unanimously carried that the Senate amendments to House Bill No. 119 be concurred in by a viva voce vote.

Moved by Gullidge, duly seconded and unanimously carried that Senate amendments to House Bill No. 180 be considered read at length.

Moved by Gullidge, duly seconded and unanimously carried that Senate amendments to House Bill No. 180 be concurred in by a viva voce vote.

Senate amendments to House Bill No. 217, having been read, moved by Gullidge, duly seconded and unanimously carried that the same be concurred in by a viva voce vote.

Senate amendments to House Bill No. 231, having been read, moved by Gullidge, duly seconded and unanimously carried that same be concurred in by a viva voce vote.

Senate amendments to House Bill No. 281, having been read, moved by Gullidge, duly seconded and unanimously carried that same be concurred in by a viva voce vote.

Senate amendments to House Bill No. 354, having been read, moved by Gullidge, duly seconded and unanimously carried that same be concurred in by a viva voce vote.

Moved by Scharnikow, duly seconded and carried that Senate amendments to House Bill No. 373 be not concurred in and that a conference committee be requested.

Senate amendments to House Bill No. 49, having been read, moved by Gullidge, duly seconded and unanimously carried that the same be concurred in by a viva voce vote.

Moved by Scharnikow, duly seconded and carried that the action of the House on Senate amendments to Senate Bill No. 373 be reconsidered.

Moved by Gullidge, duly seconded and unanimously carried that the Senate amendments to House Bill No. 373 be concurred in by a viva voce vote.

Moved by Pope, duly seconded and carried that Senate amendments to House Bill No. 8 be not concurred in.

Moved by Gullidge, duly seconded and unanimously carried that the history, title and Senate amendments to House Bill No. 249 be considered read at length.

Moved by Gullidge, duly seconded and unanimously carried that the Senate amendments to House Bill No. 249 be concurred in by a viva voce vote.

House Bill No. 398, having been read three several times and history and title agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Arnold, Benedict, Bergstrom, Bernard, Berryman, Bohling, Boorman, Brandjord, Buchanan, Buttleman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Davis (Wibaux), Dean, Denny, Elliott, English, Facey, Flynn, Fulsher, Hanson, Harris, Joffray, Johnson, Kelly (Silver Bow), Kennedy, Kenyon, Larsen (Sheridan), Lease, Lemmon, Loble, McLeod, Murphy, Myrick, Nelson, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Roscow, Ruffcorn, Seidensticker, Smith, Stoner, Swift, Taylor, Tierney, Troy, Wold, Mr. Speaker. Total—59.

Noes: Armstrong, Bray, Burke, Goodman, Holton, Kelly (Pondera), McCarty, Maury, Mushbach, Rasmussen, Rodgers, Scharnikow, Spencer, Stoddard, Strange, Tawney, Terrett. Total—17.



Absent and not voting: Baker, Bosley, Bricker, Buell, Cowley, Davis (Fergus), Dell, Duffy, Gillette, Gillin, Gullidge, Hamilton, Hawley, Hoffman, Kinville, Larson (Richland), Leavens, McAfee, McCormack, O'Connell, Ridle, Sandy, Smethurst, Zuck. Total—24.

Moved by Carlson of Gallatin, duly seconded and carried that a conference committee be appointed on House Bill No. 8.

Moved by Gullidge, duly seconded and carried that the House recess, subject to the call of the Speaker.

House resumed.

Mr. Speaker in the chair.

### UNFINISHED BUSINESS

The question arising on the motion of Carlson of Gallatin, it was moved by Pope, duly seconded and carried, that action on the motion be postponed until such time as the Senate may request a conference committee.

Moved by Gullidge, duly seconded and carried that the House resolve itself into a Committee of the Whole for the consideration of House Bill No. 390.

Facey in the chair.

Committee arose.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

“Mr. Speaker:

We, your Committee of the Whole, having had under consideration House Bill No. 390, respectfully report back with the recommendation that House Bill No. 390 do pass.

FACEY, Chairman.”

Moved by Gullidge, duly seconded and carried that House Bill No. 390 be considered properly engrossed and placed on third heading for final passage.

Moved by Gullidge, duly seconded and carried that the House revert to:

### THIRD READING OF HOUSE BILLS

Moved by Gullidge, duly seconded and unanimously carried that all Senate and House Bills be read by title and history only, and that they be considered read at length.

Senate amendments to H. B. No. 84 were concurred in by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bernard, Berryman, Bohling, Boorman, Bricker, Buchanan, Buttleman, Cady, Carlson (McCone), Cavanaugh, Clarke, Dell, Denny, Duffy, Elliott, English, Goodman, Gullidge, Hamilton, Hawley, Kelly (Pondera), Kenyon, Kinville, Lease, Leavens, Lemmon, McLeod, Loble, Mushbach, Myrick, Oker, Ostby, Peden, Rodgers, Ruffcorn, Stoner, Taylor, Tierney, Troy, Zuck. Total—46.

Noes: Bosley, Bray, Burke, Facey, Holton, Larsen (Sheridan), McAfee, McCarty, McCormack, Perrine, Pilgeram, Sandy, Smethurst, Swift, Tawney, Wold, Mr. Speaker. Total—17.

Absent and not voting: Bergstrom, Brandjord, Buell, Caplis, Carlson (Gallatin), Cowley, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Flynn, Fulsher, Gillette, Gillin, Hanson, Harris, Hoffman, Joffray, Johnson, Kelly (Silver Bow), Kennedy, Larson (Richland), Maury, Murphy, Nelson, O'Connell, Pope, Rasmussen, Ridle, Roseow, Scharnikow, Seidensticker, Smith, Spencer, Stoddard, Strange, Terrett. Total—37.

H. B. No. 390, by the Committee on Appropriations, having been read three several times and title and history agreed to, was passed by the following vote:

Ayes: Andrew, Andrus, Arnold, Benedict, Bernard, Bray, Buchanan, Carlson (McCone), Clarke, Cronk, Dean, Dell, Denny, Elliott, English, Facey, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Holton, Joffray, Kelly (Pondera), Kinville, Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCormack, McLeod, Murphy, Myrick, Nelson, Oker, Ostby, Perrine, Pilgeram,

Rasmussen, Ridle, Ruffcorn, Sandy, Seidensticker, Smith, Stoner, Swift, Tierney, Troy, Mr. Speaker. Total—52.

Noes: Bosley, Burke, Smethurst, Tawney. Total—4.

Absent and not voting: Armstrong, Baker, Bergstrom, Berryman, Bohling, Boorman, Brandjord, Bricker, Buell, Buttleman, Cady, Caplis, Carlson (Gallatin), Cavanaugh, Cowley, Davis (Fergus), Davis (Wibaux), Duffy, Flynn, Fulsher, Gillette, Gillin, Hoffman, Johnson, Kelly (Silver Bow), Kennedy, Kenyon, Larson (Richland), McCarty, Maury, Mushbach, O'Connell, Peden, Pope, Rodgers, Roscow, Scharnikow, Spencer, Stoddard, Strange, Taylor, Terrett, Wold, Zuck. Total—44.

The Committee on Printing reported as follows:

"Mr. Speaker:

We, your Committee on Printing, to whom was referred House Bill No. 390, beg leave to report that the same has this date been returned from the printer correctly printed.

BRAY, Chairman."

Moved by Gullidge, duly seconded and carried, that the House revert to:

### THIRD READING OF SENATE BILLS

S. B. No. 183 by the Committee on Banks and Banking, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrew, Andrus, Arnold, Baker, Bernard, Berryman, Bohling, Bosley, Bray, Bricker, Buchanan, Burke, Carlson (McCone), Buttleman, Cavanaugh, Clarke, Dean, Dell, Denny, English, Facey, Flynn, Fulsher, Goodman, Gullidge, Hawley, Holton, Johnson, Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Lease, Leavens, Lemmon, Loble, McCarty, McCormack, McLeod, Murphy, Mushbach, Myrick, Oker, Ostby, Peden, Perrine, Pilgeram, Rasmussen, Ridle, Ruffcorn, Scharnikow, Seidensticker, Smith, Stoddard, Swift, Troy, Wold, Zuck, Mr. Speaker. Total—59.

Noes: Armstrong, Benedict, Caplis, Duffy, Joffray, Kelly (Pondera), Larsen (Sheridan), McAfee, Smethurst, Stoner, Terrett, Tierney. Total—12.

Absent and not voting: Bergstrom, Boorman, Brandjord, Buell, Cady, Carlson (Gallatin), Cowley, Cronk, Davis (Fergus), Davis (Wibaux), Elliott, Gillette, Gillin, Hamilton, Hanson, Harris, Hoffman, Larson (Richland), Maury, Nelson, O'Connell, Pope, Rodgers, Roscow, Sandy, Spencer, Strange, Taylor, Tawney. Total—29.

S. B. No. 49, by Rhoads, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bernard, Berryman, Boorman, Bray, Bricker, Buchanan, Buttleman, Cady, Caplis, Carlson (McCone), Cavanaugh, Clarke, Cronk, Dean, Dell, Denny, Elliott, English, Flynn, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Lemmon, Loble, McAfee, McCormack, McLeod, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Terrett, Tierney, Troy, Wold, Mr. Speaker. Total—74.

Noes: Bosley, Burke. Total—2.

Absent and not voting: Bergstrom, Bohling, Brandjord, Buell, Carlson (Gallatin), Cowley, Davis (Fergus), Davis (Wibaux), Duffy, Facey, Fulsher, Gillette, Gillin, Hoffman, Kennedy, Leavens, McCarty, Maury, Rasmussen, Strange, Swift, Taylor, Tawney, Zuck. Total—24.

The Conference Committee on H. B. No. 176 reported as follows:

To the President of the Senate.

To the Speaker of the House.

We, your Joint Conference Committee, appointed to consider and make report upon House Bill No. 176, introduced by Perrine and Buttleman, entitled:

"A Bill for an Act entitled: "An Act to amend Sections 7210, 7211, Revised Codes of Montana, 1921, relating to the petition for bonds of irrigation

districts and action thereon and to the confirmation by the district court of bond proceedings of irrigation districts, by providing that the proceedings enumerated in such sections shall not be had or accomplished until compliance is first had with Sections 7216, 7218, Revised Codes, Montana, 1921, by providing for the submission to the irrigation district bond commission of all proceedings for issuance of bonds of irrigation districts now or hereafter created, under and by virtue of Chapter 146, Laws 1909, and Acts amendatory thereof and supplemental thereto as embraced in Sections 7166 to 7264, Revised Codes, Montana, 1921."

After having same under consideration respectfully report and recommend as follows:

(1) That the Senate recede from its amendment to Section 1, and that said Section 1 be amended by striking out all of said Section, and that the sections following be renumbered, and that the title to the Bill be amended by striking out the figures "7210" in line 1 thereof.

(2) That the House concur in Senate amendment to Section 2.

(3) That the House concur in Senate amendment to Section 3.

(4) That the Senate recede from its amendment to Section 4, Sub-division B, wherein the word "and" in line 21, of the original bill is changed to the word "or", and the committee recommends that all that part of said Sub-division B of Section 4, wherein said word "and" appears, beginning with the word "provided" in line 18 of the original bill, to and including the word "act" in line 22, of said original bill, be stricken out of said bill.

(5) That the Senate recede from its amendment to Sub-division C, of Section 4, whereby a sentence or proviso was added to said Sub-division C.

(6) That the Senate recede from its amendment to Section 4, whereby a new sub-division D, was added thereto.

(7) That the House concur in all other Senate amendments.

HARMON,  
DAN HEALY,  
GRIFFIN,  
BRICKER,  
FRED SEIDENSTICKER,  
POPE,

Committee.

On motion of Pope the Conference Committee report was adopted by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bohling, Boorman, Bricker, Buttleman, Caplis, Cavanaugh, Clarke, Cronk, Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Goodman, Gullidge, Hamilton, Hanson, Harris, Hawley, Holton, Joffray, Johnson, Kelly (Pondera), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lemmon, Loble, McAfee, McCormack, McLeod, Murphy, Mushbach, Myrick, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Pope, Riddle, Rodgers, Roseow, Ruffcorn, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Tawney, Terrett, Tierney, Troy, Wold, Mr. Speaker. Total—69.

Noes: Berryman, Bosley, Buchanan, Leavens, Rasmussen. Total—5.

Absent and not voting: Bergstrom, Bernard, Brandjord, Bray, Buell, Burke, Cady, Carlson (Gallatin), Carlson (McCone), Cowley, Davis (Fergus), Davis (Wibaux), Fulsher, Gillette, Gillin, Hoffman, Kelly (Silver Bow), Lease, McCarty, Maury, Nelson, Sandy, Strange, Swift, Taylor, Zuck. Total—26.

The Committee on Enrollment reported as follows:

"Mr. Speaker:

We, your Committee on Enrollment wish to report that House Bills Nos. 384, 387, 388, 361, 306, 386, 198, 360, 285, 283, 229, 335, 279, 69, are this day correctly enrolled.

McAFEE, Chairman."



"Mr. Speaker:

We, your Committee on Enrollment wish to report that House Bill No. 385, 362, 138, has this day been correctly enrolled.

McAFEE, Chairman."

"Mr. Speaker:

We, your Committee on Enrollment wish to report that House Bill No. 135, has this day been correctly enrolled.

McAFEE, Chairman."

S. B. No. 93, by Haley, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrew, Andrus, Arnold, Baker, Berryman, Bray, Buchanan, Caplis, Carlson (McCone), Clarke, Cronk, Dean, Denny, English, Facey, Flynn, Gullidge, Hamilton, Harris, Hawley, Holton, Joffray, Johnson, Kelly (Silver Bow), Kenyon, Kinville, Lease, Leavens, Lemmon, McAfee, McLeod, Murphy, Myrick, Nelson, Oker, Ostby, Peden, Pilgeram, Pope, Rodgers, Roscow, Ruffcorn, Scharnikow, Seidensticker, Smith, Spencer, Stoddard, Stoner, Wold, Mr. Speaker. Total—50.

Noes: Armstrong, Benedict, Bosley, Buttleman, Dell, Duffy, Elliott, Goodman, Kelly (Pondera), Larson (Richland), McCormack, Mushbach, Rasmussen, Ridle, Terrett, Tierney, Troy. Total—17.

Absent and not voting: Bergstrom, Bernard, Bohling, Boorman, Brandjord, Bricker, Buell, Burke, Cady, Carlson (Gallatin), Cavanaugh, Cowley, Davis (Fergus), Davis (Wibaux), Fulsher, Gillette, Gillin, Hanson, Hoffman, Kennedy, Larsen (Sheridan), Loble, McCarty, Maury, O'Connell, Perrine, Sandy, Smethurst, Strange, Swift, Taylor, Tawney, Zuck. Total—33.

S. B. No. 167, by Oliver, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrus, Arnold, Baker, Benedict, Bohling, Bosley, Bray, Buchanan, Buttleman, Caplis, Carlson (Gallatin), Clarke, Dean, Dell, Duffy, Elliott, English, Hamilton, Harris, Holton, Johnson, Leavens, Lemmon, Murphy, Mushbach, Myrick, Nelson, Oker, Ostby, Peden, Pope, Rasmussen, Sandy, Wold, Mr. Speaker. Total—35.

Noes: Armstrong, Boorman, Burke, Carlson (McCone), Cavanaugh, Cronk, Facey, Goodman, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Larson (Richland), Larsen (Sheridan), McAfee, McCormack, McLeod, Pilgeram, Ridle, Rodgers, Roscow, Ruffcorn, Smith, Stoner, Terrett, Tierney, Troy. Total—27.

Absent and not voting: Andrew, Bergstrom, Bernard, Berryman, Brandjord, Bricker, Buell, Cady, Cowley, Davis (Fergus), Davis (Wibaux), Denny, Flynn, Fulsher, Gillette, Gillin, Gullidge, Hanson, Hawley, Hoffman, Joffray, Kinville, Lease, Loble, McCarty, Maury, O'Connell, Perrine, Scharnikow, Seidensticker, Smethurst, Spencer, Stoddard, Strange, Swift, Taylor, Tawney, Zuck. Total—38.

Moved by Pope, duly seconded that the House reconsider its action on Senate Bill No. 150.

Moved by Boorman, duly seconded and carried that the motion be laid upon the table.

S. B. No. 208, by Paul, Dowlin and Clark, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrus, Armstrong, Arnold, Baker, Benedict, Bohling, Boorman, Bosley, Buchanan, Buttleman, Cady, Clarke, Cronk, Dean, Dell, Denny, Elliott, Facey, Flynn, Goodman, Gullidge, Hawley, Hoffman, Holton, Kelly (Silver Bow), Kennedy, Kinville, Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McCarty, McCormack, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smith, Spencer, Stoddard, Stoner, Tawney, Tierney, Troy, Wold, Mr. Speaker. Total—62.

Noes: Burke, Carlson (McCone)\*. Total—2.

Absent and not voting: Andrew, Bergstrom, Bernard, Berryman, Brandjord, Bray, Bricker, Buell, Caplis, Carlson (Gallatin), Cavanaugh, Cowley, Davis (Fergus), Davis (Wibaux), Duffy, English, Fulsher, Gillette, Gillin, Hamilton, Hanson, Harris, Joffray, Johnson, Kelly (Pondera), Kenyon, Larson (Richland),

McAfee, McLeod, Perrine, Smethurst, Strange, Swift, Taylor, Terrett, Zuck. Total—36.

S. B. No. 80, by Loy, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrus, Armstrong, Arnold, Baker, Benedict, Bernard, Bohling, Bosley, Bricker, Buchanan, Burke, Buttleman, Caplis, Carlson (McCone), Cavanaugh, Clarke, Cronk, Dean, Dell, Duffy, Elliott, Facey, Flynn, Goodman, Gullidge, Hamilton, Harris, Hawley, Holton, Johnson, Kelly (Silver Bow), Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Myrick, Nelson, O'Connell, Oker, Ostby, Peden, Perrine, Pilgeram, Rasmussen, Ridle, Ruffcorn, Sandy, Seidensticker, Smith, Spencer, Stoddard, Stoner, Strange, Tawney, Tierney, Wold. Total—63.

Noes: Smethurst, Mr. Speaker. Total—2.

Absent and not voting: Andrew, Bergstrom, Berryman, Boorman, Brandjord, Bray, Buell, Cady, Carlson (Gallatin), Cowley, Davis (Fergus), Davis (Wibaux), Denny, English, Fulsher, Gillette, Gillin, Hanson, Hoffman, Joffray, Kelly (Pondera), Kennedy, Lease, Maury, Murphy, Mushbach, Pope, Rodgers, Roscow, Scharnikow, Swift, Taylor, Terrett, Troy, Zuck. Total—35.

S. B. No. 53, by Lowe, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Arnold, Baker, Berryman, Bohling, Boorman, Bosley, Bricker, Buchanan, Burke, Buttleman, Caplis, Cavanaugh, Clarke, Denny, Duffy, Elliott, English, Facey, Flynn, Gullidge, Hamilton, Hanson, Hoffman, Holton, Joffray, Kelly (Silver Bow), Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Loble, McAfee, McCormack, McLeod, Murphy, Myrick, Nelson, Oker, Ostby, Peden, Perrine, Pilgeram, Rasmussen, Ridle, Rodgers, Ruffcorn, Seidensticker, Smith, Spencer, Strange, Tierney. Total—53.

Noes: Armstrong, Bray, Dell, Goodman, Harris, Lemmon, McCarty, Mushbach, Sandy, Smethurst, Stoddard, Mr. Speaker. Total—12.

Absent and not voting: Andrew, Andrus, Benedict, Bergstrom, Bernard, Brandjord, Buell, Cady, Carlson (Gallatin), Carlson (McCone), Cowley, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Fulsher, Gillette, Gillin, Hawley, Johnson, Kelly (Pondera), Kennedy, Maury, O'Connell, Pope, Roscow, Scharnikow, Stoner, Swift, Taylor, Tawney, Terrett, Troy, Wold, Zuck. Total—35.

S. B. No. 45, by Paul, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrus, Armstrong, Arnold, Benedict, Bernard, Berryman, Bohling, Boorman, Bosley, Bray, Bricker, Buchanan, Buttleman, Cady, Caplis, Carlson (Gallatin), Clarke, Cronk, Dean, Dell, Denny, Elliott, English, Facey, Flynn, Goodman, Gullidge, Hoffman, Holton, Joffray, Kelly (Pondera), Kennedy, Kenyon, Kinville, Larsen (Sheridan), Lease, Lemmon, Loble, McCormack, McLeod, Mushbach, Myrick, Perrine, Pilgeram, Pope, Sandy, Scharnikow, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Taylor, Terrett, Tierney, Wold, Mr. Speaker. Total—58.

Noes: None.

Absent and not voting: Andrew, Baker, Bergstrom, Brandjord, Buell, Burke, Carlson (McCone), Cavanaugh, Cowley, Davis (Fergus), Davis (Wibaux), Duffy, Fulsher, Gillette, Gillin, Hamilton, Hanson, Harris, Hawley, Johnson, Kelly (Silver Bow), Larson (Richland), Leavens, McAfee, McCarty, Maury, Murphy, Nelson, O'Connell, Oker, Ostby, Peden, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Seidensticker, Swift, Tawney, Troy, Zuck. Total—42.

S. B. No. 194, by Leighton, having been read three several times and title and history agreed to was concurred in by the following vote:

Ayes: Andrew, Arnold, Baker, Benedict, Bernard, Bohling, Boorman, Bosley, Bray, Bricker, Buchanan, Buttleman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Clarke, Dean, Dell, Elliott, English, Facey, Flynn, Gullidge, Hamilton, Harris, Hoffman, Holton, Johnson, Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Lease, Leavens, Loble, McCarty, McCormack, McLeod, Murphy, Mushbach, Myrick, Nelson, Ostby, Peden, Pope, Rodgers, Sandy, Scharnikow, Seidensticker, Smith, Spencer, Stoddard, Stoner, Strange, Taylor,



Terrett, Wold, Mr. Speaker. Total—60.

Noes: Goodman, Kelly (Pondera), Maury, Pilgeram, Rasmussen. Total—5.

Absent and not voting: Andrus, Armstrong, Bergstrom, Berryman, Brandjord, Buell, Burke, Cavanaugh, Cowley, Cronk, Davis (Fergus), Davis (Wibaux), Denny, Duffy, Fulsher, Gillette, Gillin, Hanson, Hawley, Joffray, Larsen (Sheridan), Lemmon, McAfee, O'Connell, Oker, Perrine, Ridle, Roscow, Ruffcorn, Smethurst, Swift, Tawney, Tierney, Troy, Zuck. Total—35.

S. B. No. 158, by Hazelbaker, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bohling, Bosley, Buchanan, Buell, Burke, Buttleman, Cady, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Cronk, Dell, Duffy, Elliott, English, Flynn, Goodman, Hamilton, Harris, Hoffman, Holton, Joffray, Johnson, Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larsen (Sheridan), Leavens, Lemmon, Loble, McCarty, McLeod, Maury, Murphy, Mushbach, Myrick, Ostby, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smith, Spencer, Stoddard, Stoner, Taylor, Terrett, Tierney, Wold. Total—60.

Noes: Bernard, Clarke, Kelly (Pondera), Larson (Richland), McCormack, Perrine, Pilgeram, Smethurst, Strange. Total—9.

Absent and not voting: Bergstrom, Berryman, Boorman, Brandjord, Bray, Bricker, Caplis, Cowley, Davis (Fergus), Davis (Wibaux), Dean, Denny, Facey, Fulsher, Gillette, Gillin, Gullidge, Hanson, Hawley, Lease, McAfee, Nelson, O'Connell, Oker, Peden, Pope, Swift, Tawney, Troy, Zuck, Mr. Speaker. Total—31.

S. B. No. 64, by Stewart of Meagher, having been read three several times, and title and history agreed to, was concurred in by the following vote:

Ayes: Andrew, Andrus, Baker, Bernard, Berryman, Bohling, Bray, Buell, Buttleman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Dean, Dell, Duffy, Elliott, English, Facey, Flynn, Goodman, Gullidge, Harris, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, Murphy, Mushbach, Myrick, Ostby, Peden, Pope, Rasmussen, Ridle, Rodgers, Ruffcorn, Sandy, Seidensticker, Smith, Spencer, Stoddard, Stoner, Taylor, Terrett, Tierney, Wold. Total—59.

Noes: Armstrong, Arnold, Benedict, Bosley, Buchanan, Burke, Kenyon, McCarty, McLeod, O'Connell, Pilgeram. Total—11.

Absent and not voting: Bergstrom, Boorman, Brandjord, Bricker, Cowley, Cronk, Davis (Fergus), Davis (Wibaux), Denny, Fulsher, Gillette, Gillin, Hamilton, Hanson, Hawley, McAfee, McCormack, Maury, Nelson, Oker, Perrine, Roscow, Scharnikow, Smethurst, Strange, Swift, Tawney, Troy, Zuck, Mr. Speaker. Total—30.

Sub. for S. B. No. 82, by Greenup, having been read three several times and title and history agreed to, was concurred in by the following vote:

Ayes: Andrew, Andrus, Arnold, Baker, Benedict, Bernard, Boorman, Bray, Bricker, Buchanan, Buell, Buttleman, Cady, Caplis, Clarke, Cronk, Dell, Duffy, Elliott, English, Facey, Flynn, Goodman, Harris, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McLeod, Murphy, Myrick, O'Connell, Ostby, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Ruffcorn, Sandy, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Taylor, Terrett, Tierney, Wold. Total—62.

Noes: Armstrong, Bosley, Burke, McCarty, Maury, Mushbach, Scharnikow. Total—7.

Absent and not voting: Bergstrom, Berryman, Bohling, Brandjord, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Cowley, Davis (Fergus), Davis (Wibaux), Dean, Denny, Fulsher, Gillette, Gillin, Gullidge, Hamilton, Hanson, Hawley, Larson (Richland), McCormack, Nelson, Oker, Peden, Perrine, Roscow, Swift, Tawney, Troy, Zuck, Mr. Speaker. Total—31.

S. B. No. 5, by Clark:



A BILL FOR AN ACT ENTITLED: "AN ACT FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE STATE OF MONTANA OF AN AMENDMENT TO SECTION 10 OF ARTICLE IX OF THE CONSTITUTION OF THE STATE OF MONTANA, RELATING TO THE QUALIFICATIONS OF COUNTY SUPERINTENDENTS OF SCHOOLS AND SCHOOL DISTRICT OFFICERS."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA.

Section 1. That Section 10 of Article IX of the Constitution of the State of Montana be amended as hereinafter provided and that the question of said amendment be submitted to the qualified electors of the State of Montana at the next general election.

Section 2. That Section 10 of Article IX of the Constitution of the State of Montana be and the same is hereby amended to read as follows:

"Section 10. All persons possessing the qualifications for suffrage prescribed by Section 2 of this Article as amended and such other qualifications as the legislative assembly may be law prescribe, shall be eligible to hold the office of county superintendent of schools or any other school district office."

Section 3. Separate official ballots shall be provided at the general election to be held in November, 1924, which shall have printed thereon all of Section 10 of Article IX of the Constitution of the State of Montana as amended by this act, and below the same shall be printed the words:

For the above written amendment to the Constitution.

Against the above written amendment to the Constitution.

"Each elector shall designate his preference by marking an X in the square before the proposition for which such elector desires to vote.

Section 4. The votes cast for and against the amendment above proposed shall be canvassed, determined and declared as provided by the general election laws of the State of Montana.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Section 6. This act shall take effect and be in full force from and after its passage and approval. having been read three several times and title and history agreed to was concurred in by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Baker, Benedict, Bernard, Berryman, Bohling, Boorman, Bricker, Buchanan, Buell, Burke, Buttleman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cronk, Dean, Dell, Denny, Duffy, Elliott, English, Facey, Flynn, Goodman, Gullidge, Hamilton, Harris, Hawley, Hoffman, Holton, Joffray, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kennedy, Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Peden, Perrine, Pilgeram, Pope, Rasmussen, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Scharnikow, Seidensticker, Smethurst, Smith, Spencer, Stoddard, Stoner, Strange, Taylor, Tawney, Terrett, Tierney. Total—82.

Noes: Bosley. Total—1.

Absent and not voting: Bergstrom, Brandjord, Bray, Cowley, Davis (Fergus), Davis (Wibaux), Fulsher, Gillette, Gillin, Hanson, McCormack, Ostby, Swift, Troy, Wold, Zuck, Mr. Speaker. Total—17.

Mr. Speaker pro tem ruled that this was the necessary two-thirds vote for passage of the constitutional amendment.

Mr. Speaker pro tem gave notice that he was about to sign House Bills Nos. 304, 283, 229, 335, 285, 361, 360, 198, 386, 306, 388, 387, 384, Sub. H. B. No. 69, H. B. No. 279, Sub. H. B. No. 138, H. B. Nos. 362, 385, 135, respectively, and thereupon signed the same.

Moved by Perrine, duly seconded and carried that the House revert to:

## REPORTS OF SELECT COMMITTEES.

The following reports of select committees were received:

REPORT OF JOINT COMMITTEE OF THE HOUSE OF REPRESENTATIVES  
AND OF THE SENATE OF THE EIGHTEENTH LEGISLATIVE  
ASSEMBLY OF THE STATE OF MONTANA, APPOINTED  
TO INVESTIGATE AND INQUIRE INTO THE AFFAIRS  
OF THE TOOLE COUNTY IRRIGATION DISTRICT.

TO THE HONORABLE HOUSE OF REPRESENTATIVES OF THE STATE OF  
MONTANA, AND TO THE HONORABLE SENATE OF THE STATE OF  
MONTANA, NOW ASSEMBLED AS THE EIGHTEENTH LEGISLATIVE  
ASSEMBLY:

We, your committee appointed pursuant to the provisions of the House Joint Resolution No. 1, introduced by Ridle, being "A Resolution Requesting an Investigation of Affairs of the Toole County Irrigation Project," respectfully beg leave to report as follows:

## AUTHORITY

This investigation was initiated and prosecuted pursuant to the provisions of House Joint Resolution No. 1 introduced by Ridle, and which was signed by Governor Joseph M. Dixon on the———day of February, 1923. Said Resolution is in words and figures as follows, to-wit:

"Whereas, Great sections of the State of Montana are arid, and require irrigation in order to be economically productive; and

"Whereas, The State of Montana has, by various enactments now spread upon its statutes, to-wit: Chapter 146, Laws 1909, Chapter 13, Session Laws Extra-Ordinary Session of the Sixteenth Legislative Assembly, 1919, Chapter 153, Laws 1921, and Chapter 236, Laws 1921, made attempt to encourage the formation of irrigation districts and the reclamation of arid lands within its borders for the benefit and advantage of its people, and

"Whereas, complaints have been made that in many instances the districts have been improvidently created and unwisely managed, the farmers and land owners within the borders of the same have been exploited and have suffered the imposition of excessive tax burdens to pay engineering costs, legal service and other preliminary expense without any permanent benefit whatever, and this course of conduct has tended to discourage and has discouraged legitimate irrigation districts within the State of Montana, and has impaired faith and credit in such securities from Montana and discouraged the investing public and bond dealers in the acquisition of legitimate securities,

"Whereas, it is alleged that one of the most noteworthy examples of exploitation and unfavorable advertisement exists in Toole County, Montana, where it is proposed to irrigate a district of approximately 200,000 acres at a cost of \$10,000,000.00 and expense of more than \$400.00 per day for a period of 15 months, have been imposed on land owners within the district, and \$175,000.00 has been paid for engineering services alone, without any construction work whatever, and

"Whereas, the land owners of said district were induced to sign the petition creating the said district on the representation that the feasibility of the project should be determined at an expense not to exceed ten cents per acre, and no further assessments were to be levied against said land until water was available; the property owners have already been assessed, by special taxation, the sum of eighty cents per acre, and

"Whereas, a great number of land owners and settlers within said district are of the opinion that if the project is continued it will result in financial ruin for many land owners in the district as well as dispossessing many land owners under the project, and confiscate and turn over this vast territory to promoters, bond holders and speculators, and

"Whereas, it is alleged that the officials are charging excessive amounts for their services and have approved claims for expenses running as high as \$2,000.00 for a period of three months for one individual, and have authorized the payment of excessive legal and engineering fees, and

"Whereas, many land owners have already been forced to leave their lands because of inability to meet the assessments, and

"Whereas, this vast sum of money has been expended with no assurance that water will be available for irrigation at any time, and

"Whereas, piteous appeals and petitions have been received by the Governor, the Public Service Commission and Board of Examiners, and the Department of Agriculture, praying for relief, and

"Whereas, no state department has specific authority to adequately act under existing conditions,

Now Therefore, Be It Resolved by the House of Representatives of the Eighteenth Legislative Assembly, the Senate Concurring, that a joint committee be appointed consisting of three members of the Senate and three members of the House of Representatives and that the aforesaid committee commence and prosecute to completion as thorough and comprehensive inquiry into all the engineering and legal features of the Toole County Irrigation District as time will permit, and into the water supply or supplies for the same, the expenditures thereof and the acts of any person or persons connected therewith, and to report the results of their investigations to the Members of the Eighteenth Legislative Assembly on or before February 12, 1923.

Be It Further Resolved, that a copy of this resolution be delivered to the Governor, Attorney General, Public Service Commission and the State Engineer immediately upon the passage and approval of this Resolution."

Following the passage and approval of said Resolution, the President of the Senate appointed as the Senate members of said Joint Committee the following Senators:

Hon. W. K. Adams, Richland County,

Hon. Dan Healy, Park County,

Hon. H. M. Kirton, Phillips County.

and the Speaker of the House of Representatives appointed as House members of said Joint Committee the following:

Hon. John C. Cronk, Blaine County,

Hon. Wm. H. Buttleman, Gallatin County,

Hon. Jas. A. Perrine, Glacier County.

### SCOPE OF INVESTIGATION

Within the time intervening between the appointment of your committee and the close of the Legislative Assembly on March 1st, 1923, your committee has prosecuted this inquiry with as much diligence as possible and has given thereto its best effort, bearing in mind the pressing limitations of other legislative duties, in order to develop the facts and discover the truth concerning the multiplicity of charges made against the district and its promoters, and the multiplicity of charges made by those who favor the district against protesting and remonstrating land owners therein and others.

### ORGANIZATION

The Toole County Irrigation District was organized, pursuant to the provisions of Ch. 146. Laws 1909, and Acts amendatory thereof and supplemental thereto, by an order of the District Court of said county, entered on September 4th, 1919, after findings made in accordance with the provisions of that law. The first commissioners appointed were the County Agent, C. A. Michaels, James A. Johnson and C. H. Sands, all of whom were elected in 1920. Some time thereafter the county agent resigned and in 1921 one Parker, who had been appointed in his stead, together with Johnson and Sands were re-elected for one, two or three years respectively. In 1922 Parker was re-elected for three years.



Soon after the organization of the district the commissioners entered into a contract with the Gerharz-Jaqueth Engineering Company to do all of the engineering work to and including final completion of the system. For this work, this company was to receive, according to said contract, 10½% of the cost of construction. Up to this time a topographic survey of about 300,000 acres has been made and a classification of land prepared together with surveys for reservoir sites and canal lines. Additionally, considerable time has been consumed by this company in preparing maps, plans and specifications, and figuring costs. The engineering work to date has extended over a period of nearly three years.

The decree organizing the district provided for the inclusion in the boundaries fixed by that decree, of 282,191.63 acres and the land owners involved numbered 926. Up to the present time no construction work of any kind whatever, looking toward the permanent works of the district, has been commenced.

### EXPENDITURES

A statement of the expenditures and of the district's indebtedness, filed with your committee by proponents of the district, is as follows:

#### Statement of Expenditures

Total Expenditures .....	\$344,004.36
These expenditures have been made for the following purposes:	
Engineering .....	\$205,000.00
Water Rights .....	4,410.00
Reservoir Sites .....	9,205.50
Furniture and Fixtures .....	824.58
Organization .....	6,423.96
Legal .....	32,682.61
Commissioners .....	9,770.14
Secretary .....	15,713.00
General Administrative Expenses .....	5,339.07
Interest Paid .....	25,705.13
Bond Discount .....	28,930.37
	<hr/>
	\$344,004.36

Note: The above covers all expenditures made by the district from date of organization up to and including January 25, 1923.

#### Statement of District Indebtedness

Funded Indebtedness .....	\$229,000.00
Floating Indebtedness .....	16,892.55
	<hr/>
	\$245,892.55
Cash on hand (deduct) .....	24,651.62
	<hr/>
	\$230,240.93
Taxes Receivable (deduct) .....	132,482.23
	<hr/>
Net Indebtedness of District .....	\$ 97,758.70

Of the 10½% fee, figured on the cost of construction, of the engineering company it appears that 2½% has already been paid, or nearly one-quarter of the entire percentage figure on an estimated cost of \$8,200,000.00. Not a shovelfull of earth has been turned in the erection or construction of permanent works, despite the expenditure of the great sum of money above referred to.

### WATER RIGHTS

A prior, valid and adequate water supply is, of course, absolutely indispensable to the success of this project. Indeed, the existence of such a right is a jurisdictional prerequisite to any order creating the district or to

any decree confirming or validating a proposed bond issue. Most of the controversy concerning the economic feasibility and the financial advisability of the Toole County Irrigation District has resolved around the subject of water supply. From a statement filed with this committee by proponents of the district, there is quoted the following relative to water supply.

"Henry Gerharz went on the stand at the court hearing for organization, and under oath declared that his study of the water supply disclosed that the average combined runoff of the three streams intended to be used, the Badger, Two Medicine and Cut Bank for the period from 1908 to and including 1918 was 655,513 acre feet and that it was his opinion that after the priorities of the Indians had been subtracted there would be sufficient water to properly irrigate 200,000 acres.

"Since the organization of the District a more complete and detailed study of the water supply has been made taking in the additional years of 1919 and 1920—1919 being the lowest flow year on record. With these additions the average run-off was 571,059 acre feet. Since that time the President of the District, the Chief Attorney and the Chief Engineer made a trip to Washington and after a conference lasting for ten days, the Secretary of the Interior of the U. S. wrote the district a letter stating that the supply needed by the Blackfeet Indians would be 165,000 acre feet, leaving 406,000 acre feet available for the district; of this amount the district intends to use 310,000 Acre feet per year, or in other words they expect that on the average 100,000 acre feet per year will be wasted.

"As soon as the district was organized water appropriations on behalf of the district were made on the three named streams. Later in order to anticipate any groundless objections, that might be urged, consent of the Interior Department for the district officers to enter upon Reservation lands, to make appropriations was obtained. That the district made legal appropriation of the water, of all three of these streams, there can be no doubt, and that they are prior to all claims except those of the Indians to all the flood waters, admits of no doubt."

Giving this statement its full force, and treating it as a fact, it is obvious that, at the present time the Toole County Irrigation District has only a paper water right, consisting of appropriations on behalf of the district on Badger, Two Medicine and Cut Bank Creeks. Whether these paper appropriations will ever ripen into beneficial and adequate water supplies for the district depends altogether on what arrangement the district is able to effect with the United States of America, through its Interior Department, for the use of these streams, which have their origin and for the most part, run on the Blackfeet Indian Reservation. At the present time no arrangement whatever has been perfected between the district and the United States for the use of such water supply, if any, as may exist after the prior rights of the Blackfeet tribe are secured. It now seems clear that no definite arrangements can be perfected until the Congress of the United States, shall, either directly, or through the Secretary of the Interior, perfect an arrangement for the use of these streams. Efforts of the district to secure a definite understanding with the United States are now in the status evidenced by the following communications, originals, or duly authenticated copies of which were furnished your committee.

"20025

5-1100

Refer in reply to the Following:  
89064-21

Address only the  
Commission of Indian Affairs.

#### DEPARTMENT OF THE INTERIOR

Office of Indian Affairs  
Washington

Memorandum for Solicitor Booth:

In re the attached telegram inquiring whether Toole County Irrigation Project, Montana, has been granted any water right or dam site on the Two Medicine, Cut Bank and Beaver Creeks.

"There have been no water rights or dam sites granted by the Department to the Toole County Irrigation District of Montana.

"On February 26, 1921, Hon. John Barton Payne, then Secretary of the Interior, addressed a communication to James A. Johnson, President of said Irrigation District, advising the requirements for irrigation and other uses on the Blackfeet Reservation, in Montana would not exceed 165,000 acre-feet of water per annum. This communication set forth the maximum amount of water which it was believed would be required by the Indians for use on their Reservation. This District, as well as the Cut Bank Irrigation District of Cut Bank, Montana, has desired more specific information regarding the exact quantity of water needed for the Indians' use. Several bills have been introduced from time to time in both Houses pertaining to the matter of having the Department determine the exact quantity of water needed for the Indians. Senate 4061 was reported on by the Department under date of January 3, 1923, and a copy of the Secretary's letter addressed to Hon. Selden P. Spencer, Chairman of the Committee on Indian Affairs, United States Senate, is attached herewith. It is my understanding that this Bill has not yet been enacted into law. It will be noted that the Secretary of the Interior is authorized by the bill to enter into an agreement, jointly, or separately, with the Districts, for the purpose of determining the extent of the priority of the water rights of the Indians and that the cost of such determination to be incurred shall be furnished in advance by the Districts. I am also attaching our file '89064-1921-Blackfeet-341' containing correspondence pertaining to this matter, for your perusal. I shall appreciate it if you will return same when it has served its purpose.

(Signed) Chas. H. Burke,  
Commissioner."

"DEPARTMENT OF THE INTERIOR  
WASHINGTON

Jan. 3, 1923.

Hon. Selden P. Spencer,  
Chairman Committee on Indian Affairs,  
United States Senate.

Mr. dear Senator:

Further reference is made to your letter of November 24, 1922, inclosing for report copy of S. 4061, which proposes to authorize the Secretary of the Interior to enter into an agreement, jointly or separately, with the Toole County Irrigation district and the Cut Bank irrigation district to fix the extent of the prior water rights of Indians of the Blackfeet Reservation, the cost of such determination to be borne by said districts.

I find that in two or more instances the Secretary of the Interior has undertaken to make such determinations by virtue of the general authority vested in him with respect to Indian reservations, and in case of the act of March 1, 1907 (34 Stat., 1035), there is language which refers to apportionment under the laws of the State of Montana by the Commissioner of Indian Affairs of waters in this reservation. See also, in this connection, case of *Winters v. United States* (207 U. S., 564).

However, without specific and direct legislative authority, it might well be that a future Secretary of the Interior might not regard himself as bound by the conclusion of some one of his predecessors in such a matter, and such legislative authority as is proposed in S. 4061 seems desirable, in the interest of the definite and permanent settlement of conflicting claims to the waters in question. I have therefore to recommend the enactment of the legislation.

Respectfully,

(Sgd.) ALBERT B. FALL,  
Secretary."

The passage of Senate Bill No. 4061 above referred to, does not bring any assurance of a water supply. It simply authorizes the Secretary of the Interior to determine the extent of the prior rights of the Blackfeet tribe.



## COST PER ACRE

The determination of the per acre cost, in advance of actual construction is simply a human estimate which may or may not be realized by actual facts. This estimate places the cost of putting water on 200,000 acres at \$10,000,000.00 or, roughly, \$50.00 per acre, including interest on the bond issue during the construction period which is figured in at \$50,000.00.

## LEGAL EXPENSES

Jesse G. Henderson of Shelby and C. H. Foote of Kalispell are the attorneys for the district. Their first offer to take care of all the legal work, of which there is a great quantity, was one percent of the cost of construction, the attorneys to pay their own expenses when away from their offices. This offer was accepted, but later the attorneys were asked to submit a flat price to cover all necessary legal work for a period of five years. Their price was \$43,000.00 and expenses, and the district commissioners employed the attorneys under contract on this basis.

## BOOKS AND ACCOUNTS

Following a special examination of the district, made by A. J. McIver, Deputy State Examiner, April 14th, 1921, report whereof was made to the District Judge of the Nineteenth Judicial District and to the Commissioners of the district, the examiner appending the following comments and criticisms.

"We find that the claims presented for expenses are in many cases not fully itemized. As these expenditures aggregate a considerable sum, due care should be taken to guard against unnecessary expense. Expense charged by the Attorneys for the District are especially lacking in itemization and should not be paid in such condition. The contract now in force provides that the Attorneys shall be paid a stipulated sum and their customary expense outside of office expense' and 'that the expenses and cash disbursements of the first parties shall be paid monthly on the first Thursday of each month to the first parties on presentation by them of duly verified itemized claims therefor against the District.' No payments should be made unless said claims are presented according to the requirements of the contract and we find that the claims heretofore paid are not 'duly verified itemized claims.'

"We note the claims of Mr. James A. Johnson for expenses contain in some cases charges for 'incidentals.' No just charges against the District can be classed as 'incidental' and no charges for such an item should be paid. The mere fact that the claimant finds he has spent a certain amount of money on some special trip does not necessarily mean that such sum is a just charge against the District, and that same can be recovered by making 'incidental' charges. Only items that are just charges can be paid and such items must be enumerated.

"As a matter of good business and in justice to the property owners who are providing the funds for the development of the District, we believe vouchers or receipts should be required for all items of expense.

"The claims of the Secretary for reimbursing his Petty Cash fund should be fully itemized. It is not sufficient to attach the receipts and make reference thereto, as same are for the purpose of verifying the charges listed.

"Your attention is called to the following claims which are subject to the above criticism:

Claim No. 353 in favor of C. H. Foote for.....	\$ 280.83
Claim No. 361 in favor of James A. Johnson.....	115.85
Claim No. 395 in favor of C. H. Foote.....	1,694.04
Claim No. 398 in favor of P. R. McHale, Sec'y.....	101.98
Claim No. 403 in favor of James A. Johnson.....	1,136.66

"The minutes of the special meeting of the Commissioners held Nov. 8, 1920, has not been signed by the President, and no minutes of the meetings held since Dec. 4, 1920, have been signed.

'The Bonds of the Commissioners James A. Johnson, C. H. Sands and C. A. Michaels were found on file in the office of the Clerk of the District Court and duly approved by the District Judge.

'At this date no bonds have been issued by the District.

'The records of the district we find in excellent shape and the Secretary is to be complimented on the manner in which he has handled the details of this work.

### PUBLIC INTEREST AND PUBLICITY

Those who attack the Toole County Irrigation District, brand the undertaking as a "wild cat" or promotion scheme, while those who defend the District, charge the attackers with bad faith. Possibly neither of these positions can be sustained, in the extreme, but your committee deems it worthy of note that those who are most active in the defense of the District, are those who, to date, have benefited financially thereby, that is, the engineers, the attorneys and the District Commissioners. Taken as a whole, the land owners seem more or less indifferent as to whether the District is carried on or whether it is dissolved. A minority at present, but ever increasing, seems determined to dissolve the District, after payment of expense incurred to date, and that minority has already filed a petition with the Judge of the Nineteenth Judicial District seeking such dissolution.

Irrespective of the merits of the project, it is undeniably true that up to this time it has received most unfavorable advertising. During the time your committee was in session, it was literally deluged with letters and communications from land owners in the District praying for an investigation or for dissolution of the public corporation. These letters are, in substance, like the protests and petitions received by the Governor of Montana, the Attorney General, the Public Service Commission, the State Engineer and various public officers in Toole County, and the gist of them all is that the lapse of more than three years time, without any substantial start being made on construction work, while all the time administrative expenses were accumulating, tends to prove all the motive of the proponents of the District is promotion and exploitation rather than the economic welfare of the land owners therein.

Whatever may be the merits of these claims, it is a fact that in Montana, irrigation projects and districts must be beyond any suspicion, if they are to succeed, and the necessity for rigorous economy and strict honesty in their establishment and conduct is emphasized when it is remembered that irrigation is today, as ever, the paramount need of Montana.

### CONCLUSION

From the whole record herein, we, your committee, conclude as follows:

1. That the appropriations of water on Badger, Two Medicine, and Cut Bank Creeks on the Blackfeet Indian Reservation, for and on behalf of the district are at the present time merely paper appropriations whose validity and adequacy depends, altogether, on such supplies of water as the district may be able to obtain from the United States of America, after, and not until, the United States has first taken care of the prior rights of the Blackfeet Indian tribe.

2. That at the present time no arrangement whatever have been perfected between the Toole County Irrigation District and the United States of America for securing to the district the water of said Creeks not utilized or utilizable, by the Blackfeet tribe.

3. That, in the absence of the arrangement referred to in "2" above, the District Court, which created the Toole County Irrigation District, was without jurisdiction to create such District, or, if technical jurisdiction existed, because of the technical paper water rights, then in the interest of justice and of honest irrigation development in Montana, the District Court should not have created such district, until it was first shown to it that the District had an adequate water right, or rights in fact and in law.



4. That more money has been expended for engineering services by the Gerharz-Jaqueth Company, and for legal services, up to this time than is justified or economical, in view of the situation obtaining with respect to the so-called water rights of the District, and that in consequence, land owners of the District have been subjected to unwise, improvident and, if any water supply is not in fact developed, utterly unnecessary expenditures.

5. That a per acre cost of \$50.00 per acre for irrigation districts on otherwise dry, or semi-irrigated land in Montana, very nearly approximates the line of economic nonfeasibility, and that a fair study of the magnitude of the undertaking in this district, and of expenditures already made, and of costs of districts of similar size, under like conditions indicates that the Toole County Irrigation District could not be constructed for a sum considerably in excess of \$50.00 per acre, bearing in mind all costs of the district of every nature whatsoever.

### RECOMMENDATIONS

By reason of the brevity of time allowed your committee within which to make this investigation, and by reason of the importance of developing the whole truth in regard to the Toole County Irrigation District, both for the land owners involved, and for the good of irrigation development in Montana, your committee respectfully recommends:

1. That the Toole County Irrigation District be thoroughly investigated and inquired into, from a legal standpoint by the Attorney General of Montana, and from an engineering standpoint by the State Engineer of Montana, and the engineers of the Public Service Commission of Montana, and this Legislative Assembly, by the adoption of this report does hereby direct and instruct said officers to proceed to make such investigation forthwith and to report the results thereof, in writing, on or before July 1st, 1923, and file a copy of said written report with the Governor of Montana, with the District Judge of the Nineteenth Judicial District of the State of Montana, with the County Commissioners of Toole County, Montana, with the Commissioners of the Toole County Irrigation District, with the Department of the Interior of the United States, and with such members of the District as desire a copy of the same.

2. That in any event, the members of said district be given free opportunity to express their desires concerning said district by means of a dissolution proceeding to be heard by the Court of the Nineteenth Judicial District, subject to appeal to the Supreme Court of the State of Montana.

Respectfully submitted,

PERRINE,  
HEALY,  
CRONK,  
BUTTLEMAN.

Moved by Goodman, duly seconded and carried that the report be considered read at length.

Moved by Perrine, duly seconded and carried that the report be adopted.

"Mr. Speaker:

Your Special Committee appointed for the investigation of the affairs of State Institutions, beg leave to report:

That so far as they have been able to examine the affairs of State Institutions in the very limited time at their disposal after attending to regular legislative duties, they have been unable, as a committee, to arrive at any conclusions that will be of benefit to this body:

That they have done very little work sitting as a committee, but the members have individually attended hearings of various officials of the State Institutions before the Budget Committee and also of such officials before the Senate Committee appointed for like purpose as this one. Individually the members of this committee have also examined quite carefully reports of expenditures of the various institutions for several years back, but no inconsistencies appearing



on the surface in regard to any particular institution, your committee has not felt justified in granting the time necessary for an extensive audit of the accounts;

That to have made any exhaustive examination of the expenditures which would have gone deeper into them than the investigations of the Budget sub-committee of your Appropriations Committee, and to have visited the institutions to complete the investigation, would have required two or three weeks of steady work, and would have nullified the work of the members in the legislative work for which they were sent here. It was the understanding of the committee that no such procedure was contemplated by this body, and, there being no appropriation therefor has undertaken no such exhaustive examination;

That an investigation of the institutions made from the Capitol without visiting the various institutions themselves will never be of much value to this body, and that an investigation of all of the institutions cannot be made satisfactorily by a committee from this body during the session without neglecting a very large portion of regular legislative work by the members of such a committee;

And that this report be adopted and the committee discharged.

MYRICK,  
LEAVENS,  
SCHARNIKOW.

Moved by Goodman, duly seconded and carried that the report be considered read at length.

On motion of Myrick report adopted.

Mr. Speaker resumed the chair.

Moved by Boorman, duly seconded and carried that the House revert to:

#### MOTIONS AND RESOLUTIONS

The Committee on Appropriations introduced the following resolution:

"Be it Resolved by the 18th Legislative Assembly that the payment of one day's pay be authorized, to employees hereinafter mentioned, to be effective at the close of the session of the 18th Assembly.

The resolution to apply to all employees working the last day of the session.

Resolved that the Chief Clerk of the House be authorized to certify such payroll to the state Auditor for payment from the appropriation for incidental expenses of the House of Representatives, 18th Assembly.

BOORMAN."

On motion of Boorman, resolution adopted.

Moved by Gullidge, duly seconded and carried that the House recess subject to call of the Speaker.

House resumed.

Mr. Speaker in the chair.

The following communication was received from the Senate.

"March 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that on motion duly made and seconded Senate requests that the House return to the Senate House Bill No. 354 for further consideration.

Respectfully,

J. F. CONE, Secretary of the Senate."

Moved by Gullidge, duly seconded and carried that the request of the Senate be acceded to and that House Bill No. 354 be returned to the Senate for further consideration.

The following communication was received from the Senate:

"Helena, Montana, March 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate this day refused to concur in House Amendments to Senate Bill No.

158 and asked that a Committee be appointed to act with a like Committee of the House as a Joint Conference Committee for the consideration of House Amendments to said Bill. Thereupon the President appointed Senators Lowe, Muffly and Griffin.

Respectfully,  
J. F. CONE, Secretary of the Senate."

Moved by Gullidge, duly seconded and carried that a conference Committee of three be appointed to confer with a like committee from the Senate with respect to House amendments on Senate Bill No. 158.

Mr. Speaker named Gullidge, Taylor and Hamilton, as members of the Committee.

The following communications were received from the Senate:

"Helena, Montana, March, 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 409 was this day read third time, it being a Constitutional Amendment, was concurred in by the necessary two-thirds vote of Senate Membership, title agreed to and is herewith returned to the House.

Respectfully,  
J. F. CONE, Secretary of the Senate."

"Helena, Montana, March, 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following House Bills were this day read third time, and concurred in, title agreed to and are herewith returned to the House:

House Bill No. 397.

House Bill No. 393.

House Bill No. 391.

House Bill No. 396.

Substitute for House Bill No. 260.

Respectfully,  
J. F. CONE, Secretary of the Senate."

"Helena, Montana, March, 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 365 was this day reported from Committee on Finance and Claims, with recommendation that it be not concurred in. Report adopted. Bill is herewith transmitted to the House.

Respectfully,  
J. F. CONE, Secretary of the Senate."

"Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Standing Committees this day report as follows:

Report adopted.

Committee on Finance and Claims: House Bill No. 402.

Amend Section 1, lines 15 and 16 by striking out the words and figures "Twenty Nine Thousand, Six Hundred Thirty Five Dollars (\$29,635.00) and inserting in lieu thereof the words and figures "Twenty Seven Thousand, Six Hundred Thirty Five Dollars (\$27,635.00).

Amend Section 1, lines 22 and 23 by striking out the words and figures, "Forty-five thousand, Six Hundred Eighty Five Dollars (\$45,685.)" and inserting in lieu thereof the words and figures "Nineteen Thousand, Seven Hundred ten Dollars (\$19,710.00)"; for the salaries and expenses of the administration of the Motor Vehicle Department, payable from the Motor Vehicle Administration Fund, the words and figures "Twenty Five Thousand, Seven Hundred Ninety Five Dollars (\$25,795.00)".

Amend Section 2, lines 21 and 22 by striking out the words and figures "Forty-Five Thousand Six Hundred Eighty-Five Dollars (\$45,685.00)" and inserting in lieu thereof the following words and figures "Nineteen Thousand, Seven Hundred Ten Dollars (\$19,710.00)" for the salaries and expenses of the

administration of the Motor Vehicle Department, payable from the Motor Vehicle Administration Fund, "Twenty Five Thousand Seven Hundred Ninety Five Dollars (\$25,795.00)".

Amend Section 1, page 2, lines 4 and 5, by striking out the words and figures "Sixty Four Thousand Dollars (\$64,000.00)" and inserting in lieu thereof the words and figures "Sixty Thousand Dollars" (\$60,000.00).

Amend Section 2, in lines 2 and 3, page 3, by striking out the words and figures "Sixty One Thousand Five Hundred Dollars (\$61,500.00)" and inserting in lieu thereof the words and figures "Sixty Thousand Dollars (\$60,000.00)."

And as so amended, recommend that same be concurred in.

Respectfully,

J. F. CONE, Secretary of the Senate."

"March 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Standing Committees this day report as follows:

Reports adopted.

Committee on Finance and Claims: House Bill No. 222.

Amend Section 1 by striking out in lines 28 and 29 the words and figures "Eighty Six Thousand, One Hundred Fifty Dollars (\$86,150.00)" and inserting in lieu thereof the words and figures "Ninety Three Thousand, Six Hundred Fifty Dollars (\$93,650.00)".

Amend Section 2 by striking out in line 19 the words and figures "Eighty One Thousand, Six Hundred Fifty Dollars (\$81,650.00)" and inserting in lieu thereof the following words and figures, "Eighty Nine Thousand, One Hundred Fifty Dollars (\$89,150.00)".

And as so amended recommend House Bill No. 222 be concurred in.

Committee on Finance and Claims: House Bill No. 359—

Amend by striking out the words and figures "Twelve Thousand Fifty Dollars (\$12,050.00) in line 24 of Section, and inserting in lieu thereof the words and figures "Ten Thousand Dollars (\$10,000.00)".

And as so amended recommend that same be concurred in.

Committee on Finance and Claims: House Bill No. 411, recommend that same be concurred in.

Committee on Finance and Claims: House Bill No. 401, recommend that same be concurred in.

Committee on Finance and Claims: House Bill No. 413, recommend that same be concurred in.

Committee on Finance and Claims: House Bill No. 390, recommend that same be concurred in.

Committee on Finance and Claims: House Bill No. 404, recommend that same be concurred in.

Committee on Finance and Claims: House Bill No. 365: recommend that same be not concurred in.

Committee on Finance and Claims: House Bill No. 412, recommend that same be concurred in.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"March 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee of the Whole to whom was referred business on general file, report and recommend as follows: reports adopted.

That House Bill No. 219 be amended by striking out the enacting clause.

That House Bill No. 354 be amended in Section 3 of the engrossed Bill by striking out the entire Section and inserting in lieu thereof the following:

"Section 3. That Section 2392 of the Revised Codes of Montana, 1921, be and the same is hereby amended to read as follows:

"Section 2392. Forty per cent of all moneys received by the State Treasurer in payment of license taxes under the provisions of this Act shall be deposited by him and credited to the General Fund of the State; Twenty per cent of all such money so received by the State Treasurer under the provisions



of this Act shall be deposited by him and credited to the State Highway Fund and the remaining Forty per cent of such money so received by said State Treasurer under the provisions of this Act shall at the end of each fiscal year be distributed among and paid over to the several counties of the State in equal amounts to the credit and for the use of the general road funds of such counties which money shall be used solely for actual road maintenance."

Amend Section 4 by striking out all of Section 4.

Amend Section 5 by adding at end of section the words, "And shall not apply to Sales or distribution made prior thereto."

And as so amended, recommend same be concurred in.

That House Bill No. 8 be amended by striking out all of Section 2 and 3 and adding in lieu thereof two new sections to be known as Section 1 and Section 2; Section 1 to read as follows:

"Section 1. All Acts and parts of Acts are hereby repealed."

"Section 2. This Act shall be in full force and effect from and after its passage and approval."

And as so amended recommend same be concurred in.

That House Bill No. 217 be amended in the title by striking out the title and inserting the following:

"A Bill for an Act entitled: An Act to amend Section 4824 of the Revised Codes of Montana, 1921, relating to the office of County Auditor."

Amend Section 1 by striking out the whole of said Section and inserting in lieu thereof the following:

"Section 1. That Section 4824 of the Revised Codes of Montana, 1921, be and the same is hereby amended to read as follows:

"Section 4824. The office of County Auditor is hereby created and the same shall exist in all counties of the State of Montana of the first, second, third and fourth classes. Provided, however, that in counties of the 5th class where a county auditor has been elected he shall hold office until the expiration of his present term, but no longer."

Amend Section 2 by striking out all of said section.

And as so amended, recommend same be concurred in.

That House Bill No. 375 be concurred in.

That House Bill No. 49 be amended by striking out the amendment by the Judiciary Committee and further amend it by striking out the word "not" after the word "Shall" in line 22 of the original bill.

And as so amended, recommend same be concurred in.

That House Bill No. 373 be amended in Section 1 by adding after the words and figures "Aid project number 109," the following: "Subject to the authorization of the Board of Examiners".

And as so amended, recommend same be concurred in.

That House Bill No. 323 be concurred in.

That House Bill No. 183 be amended by striking out the enacting clause.

That House Bill No. 251 be amended by striking out the enacting clause.

That House Substitute for House Bill No. 218 be amended by striking out the enacting clause.

Very respectfully,

J. F. CONE, Secretary of the Senate."

The Conference Committee on S. B. No. 158, reported as follows:

"Mr. Speaker:

We, your Joint Conference Committee on House amendments to Senate Bill No. 158, a bill for an Act entitled: "An Act to provide for the Letting of Contracts for Public Printing, Fixing the Prices therefor, Providing for an Undertaking for the Faithful Performance of Such Contracts, Providing a Penalty for the Violation of this Act, and Repealing Section 4482 of the Revised Codes of Montana of 1921," respectfully recommend that the Senate concur in the House amendment which amends Section 1, line 6, by striking out in line 6 the words "One Year" and insert in lieu thereof the words: "Six Months."

We further recommend that the House recede from its amendment which amends Section 1, line 8, after the word "Bidder" by adding the following: "Provided further that in any county in which there is only one Newspaper published, the County Commissioners may, in their discretion, advertise for

and receive bids from newspapers of general circulation in the counties immediately adjoining such county, and may enter in a separate contract for the furnishing of printed supplies and blank books."

We further recommend that the House recede from its amendment which amends Section 3 in line 15, by adding after the word "Years" the following: "So the amendment shall read "when any dispute arises between the contractor and Board of County Commissioners as to prices charged or classification of work under the contract, the claim shall be submitted to the State Examiner for correction before such claim is paid."

MUFFLY,  
LOWE,  
GRIFFIN,  
GULLIDGE,  
HAMILTON,  
TAYLOR."

On motion of Gullidge, report adopted.

The conference committee on H. B. No. 196 reported as follows:

"Mr. Speaker:

We, your Special Conference Committee appointed by you to meet with like committee from the Senate to consider the Senate amendments to House Bill No. 196, relating to License Tax on Crude Oil, and subjects relating thereto, do hereby beg leave to report that we are unable to agree with the Senate Committee on the amendments in question, and that the Committee be discharged, and a new committee appointed.

Respectfully submitted,  
HANSON,  
SWIFT,  
BRANDJORD."

On motion of Hanson, report adopted.

Mr. Speaker appointed Davis of Wibaux, Pope and Taylor as the new conference committee.

The following communications were received from the Senate:

"Helena, Montana, March, 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following House Bills were this day read third time and concurred in, title agreed to and are herewith returned to the House.

House Bill No. 413.  
House Bill No. 404.  
House Bill No. 390.  
House Bill No. 407.  
House Bill No. 412.  
House Bill No. 411.  
House Bill No. 401.

Respectfully,  
J. F. CONE, Secretary of the Senate."

"Helena, Montana, March, 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bill No. 119 was this day read third time and passed as amended, title agreed to and is herewith transmitted to the House for concurrence in Senate amendments.

Amendment:

Amend Section 1, by striking out in line 17 of the original bill as amended by the House, the words, "and in counties of the first and second class."

Amend Section 1 by striking out the House amendment at the end of the section.

Respectfully,  
J. F. CONE, Secretary of the Senate."

The Senate amendments to Senate Bill No. 119 were concurred in without dissenting vote:

Moved by Gullidge, duly seconded and carried that the House recess subject to call of the Speaker.

House resumed.

Mr. Speaker in the chair.

The following communications were received from the Senate:

"Helena, Montana, March, 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 402 was this day read third time and concurred in as amended by the Committee, title agreed to and is herewith returned to the House for concurrence in Senate amendments.

Respectfully,

J. F. CONE, Secretary of the Senate."

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that on motion duly seconded and carried, the Senate requests that House Bill No. 402 be returned for further consideration by the Committee on Finance and Claims.

Very respectfully,

J. F. CONE, Secretary of the Senate."

Moved by Gullidge, duly seconded and carried that the request of the Senate be granted.

The following communications from the Senate were read:

"Helena, Montana, March 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 222 was this day read third time and concurred in as amended by the Committee, title agreed to and is herewith returned to the House for concurrence in Senate amendments.

Respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, March, 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 359 was this day read third time and concurred in as amended by the Committee, title agreed to and is herewith returned to the House for concurrence in Senate amendments.

Respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, March, 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 395 was this day read third time, concurred in as amended by the Committee, title agreed to and is herewith transmitted to the House for concurrence in Senate amendments.

Respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, March, 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 354 was this day read third time and concurred in as amended by the Committee of the Whole, title agreed to and is herewith returned to the House for concurrence in Senate amendments.

Amendment:

Amend House Bill No. 354 Section 1, by adding after the words "shall pay" in line 12 of the original bill "for the year 1923 and each year thereafter."

Respectfully,

J. F. CONE, Secretary of the Senate."



"Helena, Montana, March, 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following standing committees this day report and recommend as follows; reports adopted.

House Bill No. 395, Committee on Finance and Claims.

Amend by inserting in line twenty (20) Section one the following words; "\$2500.00 of the above \$181,755 be used to defray parole expenses."

Amend Section Two by inserting after the figures \$176,205.00 the following words; "\$2500.00 of the above \$176,205.00 to be used to defray parole expenses."

Also amend Section two by striking out the words \$176,205.00 and inserting in lieu thereof the figures \$166,205.00.

Also amend by adding a new section to be numbered Section 3.

"Section 3. The amounts appropriated by the foregoing sections of this Act are hereby declared to be the maximum amounts which may be expended by the institutions hereinabove specified for all purposes and from all funds during the fiscal years ending June 30, 1924, and June 30, 1925. For the purpose of effectuating the intent of this Act, the State Auditor shall, on the first day of August, 1923, and on the first day of each succeeding month during the period covered by this Act, reduce the General Fund appropriations hereby granted by the total amount of warrants drawn during the preceding month against the corresponding Revolving Appropriation accounts, Interest and Income Fund accounts and any or all other fund accounts from which payments may be made for the benefit of the institutions hereinabove specified."

Amend by renumbering present Section No. 3, No. 4.

Committee on Finance and Claims; House Bill No. 391; recommend to report back without recommendation.

Committee on Finance and Claims; House Bill No. 393; recommend that same be concurred in.

Committee on Finance and Claims; House Bill No. 397; recommend that same be concurred in.

Very respectfully,

J. F. CONE, Secretary of the Senate."

Senate amendments to H. B. No. 222 were concurred in by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Benedict, Bernard, Berryman, Bohling, Bricker, Buchanan, Buell, Clarke, Denny, Elliott, Facey, Goodman, Gullidge, Hamilton, Hanson, Harris, Holton, Johnson, Kelly (Pondera), Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, McAfee, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, O'Connell, Ostby, Peden, Pilgeram, Pope, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Seidensticker, Smethurst, Smith, Stoner, Strange, Swift, Taylor, Terrett, Tierney, Wold, Mr. Speaker. Total—58.

Noes: Bray. Total—1.

Absent and not voting: Baker, Bergstrom, Boorman, Bosley, Brandjord, Burke, Buttleman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Cowley, Cronk, Davis (Fergus), Davis (Wibaux), Dean, Dell, Duffy, English, Flynn, Fulsher, Gillette, Gillin, Hawley, Hoffman, Joffray, Kelly (Silver Bow), Kennedy, Loble, McCarty, Nelson, Oker, Perrine, Rasmussen, Scharnikow, Spencer, Stoddard, Tawney, Troy, Zuck. Total—41.

Senate amendments to H. B. No. 395 were concurred in by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Benedict, Bernard, Berryman, Bohling, Bray, Bricker, Buchanan, Buell, Burke, Clarke, Davis (Wibaux), Dean, Denny, Elliott, Goodman, Gullidge, Hamilton, Hanson, Holton, Johnson, Kelly (Pondera), Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Lemmon, McAfee, McCormack, McLeod, Maury, Murphy, Mushbach, Ostby, Peden, Pilgeram, Pope, Ridle, Roscow, Ruffcorn, Sandy, Seidensticker, Smith, Stoddard, Stoner, Strange, Swift, Taylor, Terrett, Wold, Mr. Speaker. Total—55.

Noes: Myrick. Total—1.

Absent and not voting: Baker, Bergstrom, Boorman, Bosley, Brandjord, Buttleman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Cowley, Cronk, Davis (Fergus), Dell, Duffy, English, Facey, Flynn, Fulsher, Gillette, Gillin, Harris, Hawley, Hoffman, Joffray, Kelly (Silver Bow), Kennedy, Leavens, Loble, McCarty, Nelson, O'Connell, Oker, Perrine, Rasmussen, Rodgers, Scharnikow, Smethurst, Spencer, Tawney, Tierney, Troy, Zuck. Total—44.

Senate amendments to H. B. No. 359 were concurred in by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Bernard, Berryman, Bohling, Bray, Bricker, Buchanan, Buttleman, Dean, Denny, Elliott, Facey, Goodman, Gullidge, Harris, Holton, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kenyon, Kinville, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, McAfee, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Perrine, Pilgeram, Ridle, Roscow, Ruffcorn, Sandy, Seidensticker, Smethurst, Smith, Stoddard, Stoner, Strange, Swift, Terrett, Wold, Mr. Speaker. Total—56.

Noes: None.

Absent and not voting: Baker, Benedict, Bergstrom, Boorman, Bosley, Brandjord, Buell, Burke, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cavanaugh, Clarke, Cowley, Cronk, Davis (Fergus), Davis (Wibaux), Dell, Duffy, English, Flynn, Fulsher, Gillette, Gillin, Hamilton, Hanson, Hawley, Hoffman, Joffray, Kennedy, Loble, McCarty, Peden, Pope, Rasmussen, Rodgers, Scharnikow, Spencer, Taylor, Tawney, Tierney, Troy, Zuck. Total—44.

Senate amendments to H. B. No. 354 were concurred in by the following vote:

Ayes: Andrew, Arnold, Benedict, Berryman, Bohling, Bray, Bricker, Buchanan, Buell, Burke, Cady, Cavanaugh, Clarke, Cronk, Facey, Goodman, Gullidge, Harris, Hoffman, Holton, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kenyon, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Perrine, Pilgeram, Ridle, Rodgers, Roscow, Ruffcorn, Sandy, Seidensticker, Smethurst, Smith, Stoddard, Stoner, Strange, Swift, Terrett, Tierney, Mr. Speaker. Total—58.

Noes: None.

Absent and not voting: Andrus, Armstrong, Baker, Bergstrom, Bernard, Boorman, Bosley, Brandjord, Buttleman, Caplis, Carlson (Gallatin), Carlson (McCone), Cowley, Davis (Fergus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Flynn, Fulsher, Gillette, Gillin, Hamilton, Hanson, Hawley, Joffray, Kennedy, Kinville, Loble, Peden, Pope, Rasmussen, Scharnikow, Spencer, Taylor, Tawney, Troy, Wold, Zuck. Total—42.

Moved by Gullidge, duly seconded and carried that the House recess subject to call of the Speaker.

House resumed.

Mr. Speaker in the chair.

Mr. Speaker gave notice that he was about to sign Senate Bills Nos. 144, 53, 81, 82, 167, 183, 186, 120, 17, 129, 191, 201, 93, 5, 45, 49, 194 and 208, respectively, and thereupon signed the same.

The following communication was received from the Governor:

"State of Montana, Office of the Governor,

Helena, March 1, 1923.

The Speaker:

House of Representatives,

Helena, Montana.

I have the honor to advise you that I have this day signed the following House Bills:

No. 198—Relating to farm storage warehouses for grain. .

No. 229—To designate and provided for the destruction and eradication of Canada thistles and quack grass and the appointment by the county commissioners and city councils of a weed commissioner.

No. 279—To define the duties of all persons, firms, or corporations who purchase or receive hides of cattle; to require written bills of sale therefor from the vendor and the keeping of a permanent record.

No. 283—Providing for the proof required in prosecutions for the killing, maiming or poisoning of livestock.

No. 335.—To permit real property to be redeemed from tax sales by paying the original tax and interest thereon.

JOS. M. DIXON, Governor."

The following communication was received from the Senate:

"Helena, Montana, March, 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that on motion of Senator Duncan, Chairman of the Senate Committee, appointed to act with a like committee of the House for the consideration of Senate amendments to House Bill No. 196 reported that they were unable to agree, and asked to be discharged, and that another committee be appointed. The President thereupon appointed Senators Paul, Griffin and Page to act with a like committee of the House.

Very respectfully,

J. F. CONE, Secretary of the Senate."

Moved by Gullidge, duly seconded and carried that the request of the Senate be complied with.

Mr. Speaker named Myrick, Wold and Pilgeram as a conference committee. The following communication was received from the Senate.

"Helena, Montana, March, 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that on motion of Senator Speer, Chairman of the Senate Committee, appointed to act with a like committee of the House for the consideration of Senate amendments to House Bill No. 196 reported that they were unable to agree and asked to be discharged, and that another committee be appointed. The President thereupon appointed Senators Duncan Coburn and Speer, to act with a like committee of the House.

Very respectfully,

J. F. CONE, Secretary of the Senate."

Moved by Gullidge, duly seconded and carried that the House recess subject to call of the Speaker.

House resumed.

Mr. Speaker in the chair.

The following communications were received from the Senate.

"Helena, Montana, March 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 410, was this day reported out of the Committee of Finance and Claims with a recommendation that it be not concurred in. Bill is herewith transmitted to the House.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, March 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following House Bills were this day read third time and concurred in, title agreed to and are herewith transmitted to the House:

House Bill No. 403.

House Bill No. 405.

House Bill No. 408.

House Bill No. 303.

Substitute for House Bill No. 36.

Very respectfully,

J. F. CONE, Secretary of the Senate."



## MOTIONS AND RESOLUTIONS

“RESOLVED by the 18th Legislative Assembly that the payment of one day's pay, additional to all remuneration heretofore granted, be authorized, to be effective at the close of the 18th Assembly.

This resolution is to apply to all employees who are working this, the last day, of the session.

Be it further resolved that the Chief Clerk of the House be authorized to certify such payroll to the State Auditor for payment from the appropriation for incidental expenses of the House of Representatives of the 18th Legislative Assembly.

STONER.”

On motion of Stoner, resolution adopted.

The Conference Committee on H. B. No. 196 reported as follows:

Mr. President and Mr. Speaker: We, your Joint Conference Committee, appointed to consider Senate amendments to House Bill No. 196, introduced by Buell, McCormack, Holton, Brandjord, Myrick, Pope and Buttleman, being a Bill for an Act entitled:

“An Act to amend Sections 2398, 2399, 2400, 2401, 2402, 2403, 2404 and 2405 of the Revised Codes of Montana of 1921, and requiring every person, firm, copartnership, association, joint-stock company, syndicate and corporation engaged in or carrying on the business of producing within this state petroleum or other mineral or crude oil, or engaged in or carrying on the business of owning, controlling, managing, leasing or operating within this state any well or wells from which petroleum or other mineral or crude oil is produced, to pay to the State Treasurer for engaging in or carrying on such business, certain license fees for the exclusive use and benefit of the State of Montana; fixing the amount of such license fees, prescribing a method for the assessment and collection thereof; and prescribing penalties for the violations of the provisions of this Act; and repealing Section 2406 of the Revised Codes of Montana of 1921.”

Having had the same under consideration, beg leave to report and recommend as follows:

1. That the House concur in the Senate amendment as follows: “Amend Section 1 by striking out in line nine (9) of the printed bill the words “one and one-half” as amended by this Committee, and inserting in lieu thereof the word “two.”

2. That the Senate recede from its amendment as follows; to-wit: “Also amend Section 1 of the printed bill by inserting after the word ‘consideration’ and before the word ‘all’ in line 12 the words ‘All royalty oil and.’”

3. That the Senate recede from its amendment as follows, to-wit: “Amend Section 2 by striking out lines 2, 3, 4, 5, and 6 and the House amendment of said Section 2 and insert in lieu thereof the following:

SECTION 2399; TAX WHEN PAYABLE. Such license shall be paid on December 31st, of each year. The State Treasurer shall transfer from the income of this tax to the Public School fund of the State a sum equal to Seventy-five per cent (75%) of the total amount of such license taxes collected during such year, the same to be apportioned in the same way as the other incomes of the public school fund is apportioned, and at the same time the State Treasurer shall also apportion a sum equal to twenty-five per cent (25%) of such license taxes collected during such year to the high schools of the State on the basis of the aggregate number of day's attendance during the preceding school year in each High School.” And your Conference Committee recommend that Section 2 of the engrossed bill be stricken out and that the following be inserted in lieu thereof, to be known as Section 2.

Section 2. Section 2399 of the Revised Codes of Montana, 1921 is amended to read as follows:

“Section 2399. Such license tax shall be paid in semi-annual instalments for the semi-annual periods ending respectfully June 30th and December 31st of each year, beginning with the semi-annual period ending June 30th, 1923, and the amount of the license tax for each semi-annual period shall be paid to the State Treasurer within thirty (30) days after the end of each such semi-annual period. On January 31st of each year, the State Treasurer shall

transfer to the Common School Interest and Income Fund of the State a sum equal to twenty-five per cent (25%) of the total amount of such license taxes collected during the preceding twelve months, the same to be apportioned in the same way as other monies in the said fund and at the same time; the State Treasurer shall also apportion a sum equal to twenty-five per cent (25%) of such license taxes collected during such preceding twelve months to the county and district high schools of the state on the basis of the aggregate number of day's attendance during the preceding school year in each of said high schools respectfully; and fifty per cent (50%) of such taxes shall be credited to the General Fund of the state when received by the State Treasurer.

4. And that the Senate recede from the following amendment, to-wit: "Amend Section 3 by adding in line 7 after the word 'therefrom' the words 'All royalty oil and.'"

PAUL, PAGE, GRIFFIN.  
MYRICK, WOLD, PILGERAM.

The report of the Conference Committee was adopted by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Benedict, Bergstrom, Bernard, Berryman, Bohling, Brandjord, Bray, Bricker, Buchanan, Burke, Carlson (McCone), Clarke, Davis (Wibaux), Dean, Facey, Goodman, Gullidge, Hanson, Harris, Hawley, Holton, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kenyon, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Perrine, Pilgeram, Pope, Rodgers, Ruffcorn, Seidensticker, Smethurst, Smith, Stoddard, Stoner, Strange, Swift, Tawney, Terrett, Tierney, Wold, Zuck, Mr. Speaker. Total—65.

Noes: None.

Absent and not voting: Baker, Boorman, Bosley, Buell, Buttleman, Cady, Caplis, Carlson (Gallatin), Cavanaugh, Cowley, Cronk, Davis (Fergus), Dell, Denny, Duffy, Elliott, English, Flynn, Fulsher, Gillette, Gillin, Hamilton, Hoffman, Joffray, Kennedy, Kinville, Peden, Rasmussen, Ridle, Roscow, Sandy, Scharnikow, Spencer, Taylor, Troy. Total—35.

The following communications from the Senate were read:

"Helena Montana, March 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the report of the Joint Conference Committee was this day read and adopted, on House Bill No. 196.

The Senate Committee was composed of Senators Paul, Griffin and Page. The House Committee was composed of Myrick, Wold and Pilgeram.

Very respectfully,

J. F. CONE, Secretary of the Senate."

"Helena, Montana, March 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate requests the return of House Bill No. 8 and House Bill No. 222 for further consideration.

Very respectfully,

GEO. LESTER, Jr., Asst. Secretary of the Senate."

Moved by Gullidge, duly seconded and carried that the request of the Senate be complied with.

The following communication was received from the Senate:

"Helena, Montana, March 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 389 was this day read third time and concurred in as amended, title agreed to, and the same is herewith returned to the House for concurrence to Senate Amendments, as follows:

## AMENDMENTS BY COMMITTEE TO HOUSE BILL NO. 389.

Amend the title to read as follows: "A Bill for an Act entitled: 'An Act appropriating money for the operation and maintenance of the Industrial Accident Board and for the operation, maintenance and payment of training expenses of the work of vocational rehabilitation.'

Be it Enacted by the Legislative Assembly of the State of Montana."

Amend Section 1 by striking out the entire section.

Amend Section 2 by striking out the entire section.

Amend Section 3 by striking out the entire section.

Amend Section 4 by renumbering it Section 1.

Also amend Section 4 by striking out the following words and figures "For the payment of salaries, expenses and the payment of training expenses of the work of vocational rehabilitation, fifteen Thousand Dollars.....\$15,000.00."

Amend Section 5 by renumbering it Section 2.

Also amend Section 5 by striking out the following words and figures "for the payment of salaries, expenses and the payment of training expenses of the work of Vocational Rehabilitation, Fifteen Thousand Dollars.....\$15,000.00."

Amend Section 6 by striking out all of Section 6 and inserting a new Section to be numbered Section 3 to read as follows:

"Section 3. That there is hereby appropriated out of the General Fund of the State of Montana for the purpose of the payment of salaries and expenses and the payment of training expenses of the work of Vocational Rehabilitation, the sum of Fifteen Thousand Dollars.....\$15,000.00 or so much thereof as may be necessary for the year beginning July 1st, 1923 and ending June 30, 1924."

Amend Section 7 by striking out all of Section 7 and inserting a new section in lieu thereof to be numbered Section 4 to read as follows:

"Section 4. That there is hereby appropriated out of the General Fund of the State of Montana for the purpose of the payment of salaries and expenses and the payment of training expenses of the work of Vocational Rehabilitation, the sum of Fifteen Thousand Dollars.....\$15,000.00 or so much thereof as may be necessary for the year beginning July 1st, 1924, and ending June 30, 1925."

That said bill be further amended by adding a new section to be known as Section 5, to read as follows:

"Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed."

Amend said bill by inserting a new section to be known as Section 6.

"Section 6. This Act shall be in full force and effect from and after its passage and approval."

## COMMITTEE OF THE WHOLE AMENDMENT:

That same be amended (House Bill No. 389) in Section 2 as amended by inserting on line 4, after the figures "1925," the following words; "Provided there is not enough money in said fund the remainder shall be paid out of the general fund."

Very respectfully,

J. F. CONE, Secretary of the Senate."

Moved by Gullidge, duly seconded that communications be considered read at length.

Senate Amendments to H. B. No. 389 were concurred in by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Benedict, Bergstrom, Bernard, Berryman, Bohling, Brandjord, Bray, Facey, Bricker, Buchanan, Cavanaugh, Clarke, Gullidge, Harris, Holton, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kenyon, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McAfee, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Perrine, Pilgeram, Pope, Roscow, Seidensticker, Stoddard, Stoner, Strange, Taylor, Terrett, Wold, Mr. Speaker. Total—52.

Noes: None..

Absent and not voting: Baker, Boorman, Bosley, Buell, Burke, Buttleman, Cady, Caplis, Carlson (Gallatin), Carlson (McCone), Cowley, Cronk, Davis (Fer-



gus), Davis (Wibaux), Dean, Dell, Denny, Duffy, Elliott, English, Flynn, Fulsher, Gillette, Gillin, Goodman, Hamilton, Hanson, Hawley, Hoffman, Joffray, Kennedy, Kinville, McCarty, Peden, Rasmussen, Ridle, Rodgers, Ruffeorn, Sandy, Scharnikow, Smethurst, Smith, Spencer, Swift, Tawney, Tierney, Troy, Zuck. Total—48.

The following communication was received from the Senate:

"Helena, Montana, March 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 398 was this day read third time and concurred in as amended, title agreed to, and is herewith transmitted to the House for concurrence to Senate Amendments as follows:

First: By striking out all House Amendments to said Bill.

Second: That Section 1 of said Bill be amended by striking out the following at the end of Section 1: "Provided that the balance or remainder of the money in said fund, after satisfying the above specific appropriations or as much thereof as may be required, be and the same is hereby appropriated for the construction, supervision and inspection of Federal Aid Project." and inserting in lieu thereof the following:

"Provided that the balance or remainder of said Highway Fund not required to satisfy the above specific appropriations, but not to exceed the sum of One hundred fifty thousand Dollars (\$150,000.) be and the same is hereby appropriated for deposit to the credit of the Highway Trust Fund to be used for the construction, supervision and inspection of Federal Aid Projects according to the following ratio of financial participation in the cost thereof: State 15 per cent, counties 32%, Federal Government 53%."

Third. That Section 2 of said Bill be amended by striking out the following at the end of Section 2: "Provided that the balance or remainder of the money in said fund, after satisfying the above specific appropriations or as much thereof as may be required, be and the same is hereby appropriated for the construction, supervision and inspection of Federal Aid Project." and inserting in lieu thereof the following:

"Provided that the balance or remainder of said Highway Fund not required to satisfy the above specific appropriations, but not to exceed the sum of One hundred fifty thousand dollars (\$150,000) be and the same is hereby appropriated for deposit to the credit of the Highway Trust Fund to be used for the construction, supervision and inspection of Federal Aid Projects according to the following ratio of financial participation in the cost thereof; State 15 per cent, counties 32%, Federal Government 53%."

That Section 2 be further amended by striking out the following words and figures: "Third, for the maintenance of Federal Aid Projects, One Hundred Thousand Dollars (\$100,000.00)" and inserting in lieu thereof the following: "Third, for the maintenance of Federal Aid Projects, Eighty Thousand Dollars (\$80,000.00)".

That said Bill be further amended by striking out Section 3 and inserting the following to be known as Section 3.

"Section 3. That the Highway Commission shall not expend any money from any fund for any purpose not in this Act specifically provided for."

That said Bill be further Amended by adding a Section to be known as Section 4.

"Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed."

That said Bill be further amended by adding a Section to be known as Section 5.

"Section 5. This Act shall be in full force and effect from and after its passage and approval."

And as so amended the bill be concurred in.

Committee of the Whole Amendment, House Bill No. 398:

Amend by striking out that portion of the Amendments designated as Section 3 and inserting in lieu thereof the following to be known as Section 3. "That the Highway Commission shall not expend any money from the Highway

Fund for any purpose not in this Act specifically provided for; nor shall the Highway Commission expend any money from the Highway Trust Fund except for the purpose for which the same is placed in Trust."

Very respectfully,

J. F. CONE, Secretary of the Senate."

Senate Amendments to H. B. No. 398 were concurred in by the following vote:

Ayes: Andrew, Andrus, Arnold, Benedict, Bergstrom, Bernard, Berryman, Bohling, Brandjord, Bray, Bricker, Buchanan, Carlson (McCone), Cavanaugh, Clarke, Dean, Facey, Goodman, Gullidge, Harris, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kenyon, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Perrine, Pilgeram, Pope, Rodgers, Roscow, Ruffcorn, Seidensticker, Stoddard, Stoner, Strange, Swift, Taylor, Terrett, Wold, Mr. Speaker. Total—55.

Noes: Armstrong, Holton. Total—2.

Absent and not voting: Baker, Boorman, Bosley, Buell, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Cowley, Cronk, Davis (Fergus), Davis (Wibaux), Dell, Denny, Duffy, Elliott, English, Flynn, Fulsher, Gillette, Gillin, Hamilton, Hanson, Hawley, Hoffman, Joffray, Kennedy, Kinville, McAfee, McCarty, Peden, Rasmussen, Ridle, Sandy, Scharnikow, Smethurst, Smith, Spencer, Tawney, Tierney, Troy, Zuck. Total—43.

The following communication was received from the Senate:

"March 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 400 was this day read third time and concurred in as amended, title agreed to and is herewith transmitted to the House for concurrence in Senate amendments.

#### COMMITTEE OF THE WHOLE AMENDMENT TO HOUSE BILL NO. 400.

Amend Section 3 by inserting after the words "Dining Rooms" in the present amendments to said Section 3 the words: "nor to other self-supporting activities."

#### COMMITTEE AMENDMENTS TO HOUSE BILL NO. 400.

Amend Section 1, line 16, by striking out the words and figures, "Four Hundred Eighty-Nine Thousand Dollars, (\$489,000.00)" and inserting in lieu thereof the words and figures, "Four Hundred Forty Thousand, One Hundred Dollars (\$440,000.00)."

Amend Section 1, line 18, by striking out the words and figures, "Three Hundred Seventy-Seven Thousand, Nine Hundred Sixty Dollars (\$377,960.00)" and inserting in lieu thereof the following words and figures, "Three Hundred Forty Thousand, One Hundred Sixty-Five Dollars (\$340,165.00)."

Amend Section 1, line 20, by striking out the words and figures "Eighty-Five Thousand, Seven Hundred Ninety-Five Dollars (\$85,795.00)," and inserting in lieu thereof the words and figures, "Seventy-Seven Thousand, Two Hundred Sixteen Dollars (\$77,216.00); for the payment of George W. Craven, Consulting Engineer, One Thousand Dollars (\$1000.00)."

Amend Section 1, line 22, by striking out the words and figures "One Hundred Forty Thousand, Six Hundred Forty-Three Dollars (\$140,643.00)" and inserting in lieu thereof the words and figures "One Hundred Twenty-Six Thousand Five Hundred Seventy-Eight Dollars (\$126,578.00)."

Amend Section 1, line 24, by striking out the words and figures, "One Hundred Twenty-Two Thousand, One Hundred Twenty-Five Dollars (\$122,125.00)" and inserting in lieu thereof the words and figures "One Hundred Nine Thousand, Nine Hundred Twelve Dollars Fifty Cents (\$109,912.50)."

Amend Section 1, line 26, by striking out the words and figures, "Fifty-Two Thousand Dollars (\$52,000.00)" and inserting in lieu thereof the words and figures "Forty-Six Thousand, Eight Hundred Dollars (\$46,800.00)."



Amend Section 1, line 28, by striking out the words and figures "One Hundred Thirty-Seven Thousand, Eight Hundred Thirty-Six Dollars (\$137,836.00)" and inserting in lieu thereof the words and figures, "One Hundred Twenty-Four Thousand, Fifty-Two Dollars and Forty Cents (\$124,052.40)."

Amend Section 1, line 30, by striking out the words and figures, "Eighteen Thousand Dollars (\$18,000.00)" and inserting in lieu thereof the words and figures "Ten Thousand Dollars (\$10,000.00)."

Amend Section 2 by striking out in line 9 the words and figures, "Four Hundred Ninety-Four Thousand, Two Hundred Seventy-Seven Dollars (\$494,277.00)" and inserting in lieu thereof the following words and figures, "Four Hundred Forty-Four Thousand Eight Hundred Fifty Dollars (\$444,850.00)."

Amend Section 2, line 11, by striking out the words and figures, "Three Hundred Seventy-Eight Thousand, Eight Hundred Ten Dollars (\$378,810.00)" and inserting in lieu thereof the words and figures "Three Hundred Forty Thousand, Nine Hundred Twenty-Nine Dollars (\$340,929.00)."

Amend Section 2, line 13, by striking out the words and figures, "Eighty-Six Thousand, Seven Hundred Forty-Five Dollars (\$86,745.00)" and inserting in lieu thereof the following words and figures, "Seventy-Eight Thousand, Seventy Dollars (\$78,070.00)" for the payment of George W. Craven, Consulting Engineer, One Thousand Dollars (\$1000.00)."

Amend Section 2, line 15, by striking out the words and figures, "One Hundred Forty Thousand, Six Hundred Forty-Three Dollars (\$140,643.00)" and inserting in lieu thereof the words and figures "One Hundred Twenty-Six Thousand, Five Hundred Seventy-Eight Dollars (\$126,578.00)."

Amend Section 2, line 17, by striking out the words and figures "One Hundred Twenty-Two Thousand, One Hundred Twenty-Five Dollars (\$122,125.00)" and inserting in lieu thereof the words and figures "One Hundred Nine Thousand, Nine Hundred Twelve Dollars, Fifty Cents (\$109,912.50)."

Amend Section 2, line 19, by striking out the words and figures "Fifty-Two Thousand Dollars (\$52,000.00)" and inserting in lieu thereof the words and figures "Forty-Six Thousand Eight Hundred Dollars (\$46,800.00)."

Amend Section 2, line 21, by striking out the words and figures, "One Hundred Thirty-Seven Thousand, Eight Hundred Thirty-Six Dollars (\$137,836.00)" and inserting in lieu thereof the words and figures, "One Hundred Twenty-Four Thousand, Fifty-Two Dollars, Forty Cents (\$124,052.40)."

Amend Section 2, line 23, by striking out the words and figures "Eighteen Thousand Dollars (\$18,000.00)" and inserting in lieu thereof the words and figures "Ten Thousand Dollars (\$10,000.00)."

Respectfully,

J. F. CONE, Secretary of the Senate."

Moved by Pope, duly seconded and carried, that the amendments be considered read at length.

Senate amendments to H. B. No. 400 were concurred in by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Benedict, Bergstrom, Bernard, Berryman, Bohling, Brandjord, Bray, Bricker, Buchanan, Carlson (McCone), Cavanaugh, Clarke, Dean, Facey, Goodman, Gullidge, Harris, Holton, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kenyon, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, O'Connell, Oker, Ostby, Perrine, Pilgeram, Pope, Rodgers, Roscow, Ruffcorn, Seidensticker, Stoddard, Stoner, Strange, Swift, Taylor, Terrett, Wold, Mr. Speaker. Total—56.

Noes: None.

Absent and not voting: Baker, Boorman, Bosley, Buell, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Cowley, Cronk, Davis (Fergus), Davis (Wibaux), Dell, Denny, Duffy, Elliott, English, Flynn, Fulsher, Gillette, Gillin, Hamilton, Hanson, Hawley, Hoffman, Joffray, Kennedy, Kinville, McAfee, McCarty, Nelson, Peden, Rasmussen, Ridle, Sandy, Scharnikow, Smethurst, Smith, Spencer, Tawney, Tierney, Troy, Zuck. Total—44.

The following communication from the Senate was received:



"Helena, Montana, March 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 402, was this day read third time and concurred in as amended, title agreed to, and the same is herewith returned to the House for concurrence in Senate amendments, as follows:

#### AMENDMENTS TO HOUSE BILL NO. 402, BY COMMITTEE.

Amend Section 1, lines 22 and 23, by striking out the words and figures, "Forty-Five Thousand, Six Hundred and Eighty-Five Dollars (\$45,685.00)" and inserting in lieu thereof the words and figures "Nineteen Thousand, Seven Hundred Ten Dollars (\$19,710.00); for the salaries and expenses of the administration of the Motor Vehicle Department, payable from the Motor Vehicle Administration Fund," the words and figures, "Twenty-Five Thousand, Seven Hundred Ninety-Five Dollars (\$25,795.00)."

Amend Section 2, lines 21 and 22 by striking out the words and figures "Forty-Five Thousand Six Hundred Eighty-Five Dollars (\$45,685.00)" and inserting in lieu thereof the following words and figures "Nineteen Thousand, Seven Hundred Ten Dollars (\$19,710.00); for the salaries and expenses of the administration of the Motor Vehicle Department, payable from the Motor Vehicle Administration Fund, Twenty-Five Thousand, Seven Hundred Ninety-Five Dollars (\$25,795.00)."

Amend Section 1, page 2, lines 4 and 5 by striking out the words and figures "Sixty-Four Thousand Dollars (\$64,000.00)" and inserting in lieu thereof the words and figures "Sixty Thousand Dollars (\$60,000.00)."

Amend Section 2, in lines 2 and 3 by striking out the words and figures "Sixty-One Thousand Five Hundred Dollars (\$61,500.00)" and inserting in lieu thereof the words and figures "Sixty Thousand Dollars (\$60,000.00)" and as so amended that House Bill No. 402 be concurred in.

Amend Section 1, by striking out the Senate amendment to Section 1 in lines 22 and 23 and inserting in lieu thereof the following amendment: "Amend Section 1, lines 22 and 23 by striking out the words and figures "Forty-Five Thousand, Six Hundred Eighty-Five Dollars (\$45,685.00)" and inserting in lieu thereof the words and figures "Twenty-Five Thousand, Seven Hundred Ten Dollars (\$25,710.00)," for the salaries and expenses of the administration of the Motor Vehicle Department payable from the Motor Vehicle Administration Fund, Thirty Thousand, Two Hundred Ninety-Five Dollars (\$30,295.00)."

Amend Section 2 by striking out the Senate amendment to Section 2, lines 21 and 22 and inserting in lieu thereof the following words and figures, "Amend Section 2, lines 21 and 22, by striking out the words and figures, 'Forty-Five Thousand Six Hundred Eighty-Five Dollars (\$45,685.00)' and inserting in lieu thereof the following words and figures 'Twenty-Five Thousand, Seven Hundred Ten Dollars (\$25,710.00);' for the salaries and expenses of the administration of the Motor Vehicle Department payable from the Motor Vehicle Administrative Fund, Thirty Thousand Two Hundred Ninety-Five Dollars (\$30,295.00)."

Very respectfully,

J. F. CONE, Secretary of the Senate."

Senate amendments to H. B. No. 402 were concurred in by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Benedict, Bergstrom, Bernard, Berryman, Bohling, Brandjord, Bray, Bricker, Buchanan, Carlson (McCone), Cavanaugh, Clark, Dean, English, Facey, Goodman, Gullidge, Harris, Holton, Johnson, Kelly (Pondera), Kelly (Silver Bow), Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Perrine, Pilgeram, Pope, Rodgers, Roscow, Ruffcorn, Seidensticker, Smith, Spencer, Stoddard, Stoner, Strange, Terrett, Tierney, Wold, Mr. Speaker. Total—59.

Noes: Kenyon. Total—1.

Absent and not voting: Baker, Boorman, Bosley, Buell, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Cowley, Cronk, Davis (Fergus), Davis (Wibaux), Dell, Denny, Duffy, Elliott, Flynn, Fulsher, Gillette, Gillin, Hamilton,

Hanson, Hawley, Hoffman, Joffray, Kennedy, Kinville, McAfee, Peden, Rasmussen, Ridle, Sandy, Scharnikow, Smethurst, Swift, Taylor, Tawney, Troy, Zuck. Total—40.

The Committee on Enrollment reported as follows:

"Mr. Speaker:

We, your Committee on Enrollment wish to report House Bills No. 373, 155, 49, 375, 281, 101, 217, 327, 413, correctly enrolled.

McAFEE, Chairman."

Mr. Speaker gave notice that he was about to sign House Bill No. 413 and thereupon signed same.

The following communication from the Senate was received:

"Helena, Montana, March 1st, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 406 was this day read third time and concurred in as amended, title agreed to and is herewith transmitted to the House for concurrence in Senate amendments.

Committee amendments to House Bill No. 406:

Amend by striking out House amendment in line 14, Section 1.

Amend Section 1, line 22, by striking out the words and figures "Fifty-Eight Thousand, Four Hundred Twenty-Five Dollars (\$58,425.00)" and inserting in lieu thereof the following words and figures "Fifty-Three Thousand, Four Hundred Twenty-Five (\$53,425.00)."

Amend Section 2 by striking out the House amendment, line 8.

Also amend Section 2, line 13, by striking out the following words and figures "Fifty-Eight Thousand, Four Hundred Twenty-Five Dollars (\$58,452.00)" and inserting in lieu thereof the following words and figures "Fifty-Three Thousand, Four Hundred Twenty-Five Dollars (\$53,425.00)."

Committee of the Whole amendments:

Amend Section 1 by striking out in line 6 the words and figures "Ten Thousand, One Hundred Forty-Five Dollars (\$10,145.00)" and inserting in lieu thereof the words and figures "Fourteen Thousand One Hundred Forty-Five Dollars (\$14,145.00)."

Very respectfully,

J. F. CONE, Secretary of the Senate."

Senate amendments to H. B. No. 406 were concurred in by the following vote:

Ayes: Andrews, Andrus, Armstrong, Baker, Benedict, Bergstrom, Bernard, Berryman, Bohling, Brandjord, Bray, Bricker, Buchanan, Cavanaugh, Clarke, Dean, Facey, Goodman, Gullidge, Hamilton, Harris, Holton, Johnson, Kelly (Pondera), Kelly (Silver Bow), Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, Nelson, O'Connell, Oker, Ostby, Perrine, Pilgeram, Pope, Rodgers, Roscow, Ruffcorn, Seidensticker, Smith, Stoddard, Stoner, Strange, Swift, Terrett, Tierney, Wold, Zuck, Mr. Speaker. Total—59.

Noes: Carlson (McCone). Total—1.

Absent and not voting: Arnold, Boorman, Bosley, Buell, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Cowley, Cronk, Davis (Fergus), Davis (Wibaux), Dell, Denny, Duffy Elliott, English, Flynn, Fulsher, Gillette, Gillin, Hanson, Hawley, Hoffman, Joffray, Kennedy, Kenyon, Kinville, McAfee, Peden, Rasmussen, Ridle, Sandy, Scharnikow, Smethurst, Spencer, Taylor, Tawney, Troy. Total—40.

The following communication from the Senate was received:

"Helena, Montana, March 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 8 was this day read third time, concurred in as amended by the Committee of the Whole and is herewith transmitted to the House for concurrence in Senate amendment.

Committee of the Whole amendment to House Bill No. 8:  
Amend by striking out all Senate amendments to said bill.

Respectfully,

J. F. CONE, Secretary of the Senate."

Senate amendments to H. B. No. 8 were concurred in by a viva voce vote of 34 ayes and 20 noes.

The following communication from the Senate was received:

"Helena, Montana, March 1, 1923.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 222 was this day read third time and concurred in as amended, title agreed to and is herewith transmitted to the House for concurrence in Senate amendments.

Committee of the Whole amendments to House Bill No. 222:

Amend by adding the following words at the end of Section 2, "The amounts appropriated by the foregoing Sections of this Act are hereby declared to be the maximum amounts which may be expended by each institution hereinabove specified for all purposes and from all funds during the fiscal years ending June 30, 1924, and June 30, 1925, it being the intent of this Act that the maximum amounts herein appropriated shall be the maximum for each institution from all funds and that only so much shall be taken from the General Funds as is necessary to make up the maximum appropriation, after first exhausting the corresponding revolving Appropriation Accounts, Interest and Income Fund Accounts and any or all other fund accounts from which payment may be made for the benefit of the institutions hereinabove specified.

Respectfully,

J. F. CONE, Secretary of the Senate."

Senate amendments to H. B. No. 222 were concurred in by the following vote:

Ayes: Andrew, Andrus, Armstrong, Arnold, Benedict, Bergstrom, Bernard, Berryman, Bohling, Brandjord, Bray, Bricker, Buchanan, Carlson (McCone), Cavanaugh, Clarke, Dean, Denny, Facey, Goodman, Gullidge, Hamilton, Harris, Holton, Johnson, Kelly (Pondera), Kelly (Silver Bow), Kenyon, Larson (Richland), Larsen (Sheridan), Lease, Leavens, Lemmon, Loble, McCarty, McCormack, McLeod, Maury, Murphy, Mushbach, Myrick, O'Connell, Oker, Ostby, Perrine, Pilgeram, Pope, Rodgers, Roscow, Ruffcorn, Seidensticker, Smith, Stoner, Strange, Swift, Taylor, Terrett, Tierney, Wold, Zuck, Mr. Speaker. Total—61.

Noes: None.

Absent and not voting: Baker, Boorman, Bosley, Buell, Burke, Buttelman, Cady, Caplis, Carlson (Gallatin), Cowley, Cronk, Davis (Fergus), Davis (Wibaux), Dell, Duffy, Elliott, English, Flynn, Fulsher, Gillette, Gillin, Hanson, Hawley, Hoffman, Joffray, Kennedy, Kinville, McAfee, Nelson, Peden, Rasmussen, Ridle, Sandy, Scharnikow, Smethurst, Spencer, Stoddard, Tawney, Troy. Total—39.

Moved by Gullidge, duly seconded and carried, that the Sergeant at Arms and Chief Clerk be instructed to mail the last status sheets and the daily proceedings sheets for the last day to each member.

Mr. Speaker gave notice that he was about to sign House Bills Nos. 327, 217, 101, 281, 375, 49, 373, 155, respectively, and thereupon signed the same.

The Committee on Enrollment reported as follows:

"Mr. Speaker:

We, your Committee on Enrollment wish to report House Bills Nos. 412, 180, 323, 280, 111 correctly enrolled.

McAFEE, Chairman."

"Mr. Speaker:

We, your Committee on Enrollment wish to report House Bills Nos. 113, 401, 139, 404, 409, 411 correctly enrolled.

McAFEE, Chairman."



"Mr. Speaker:

We, your Committee on Enrollment wish to report House Bills Nos. 391, 408, 36, 395, 354, 257, 303 correctly enrolled.

McAFEE, Chairman."

"Mr. Speaker:

We, your Committee on Enrollment wish to report House Bills Nos. 40, 406, 398, 393, 260, 154, 306, 485, 403, 390, 249, 222, 389, 397, 359, 402, 84, 225, 407, 400, 8, 119, 196 correctly enrolled.

McAFEE, Chairman."

Mr. Speaker gave notice that he was about to sign House Bills Nos. 280, 323, 180, 412, 411, 409, 404, 139, 401 and 176, respectively, and thereupon signed the same.

Mr. Speaker pro tem assued the chair.

Mr. Speaker pro tem gave notice that he was about to sign Senate Bill No. 158 and thereupon signed the same.

Mr. Speaker resumed the chair.

Mr. Speaker gave notice that he was about to sign Senate Bill Nos. Substitute for S. B. 1 and 19, 113, 41, respectively, and thereupon signed the same.

Mr. Speaker gave notice that he was about to sign House Bills Nos. 196, 119, 40, 406, 359, 400, 407, 8, 225, 84, 402, 393, 260, 154, 396, 405, 403, 398, 397, 390, 389, 222, 249, 231, 303, 391, 408, Sub. H. B. No. 36, H. B. No. 395, 354, Sub. H. B. No. 257, H. B. No. 111, respectively, and thereupon signed the same.

Mr. Speaker gave notice that he was about to sign Senate Bills No. 83, 49, 119, and thereupon signed same.

The following communication was received from the Governor:

"State of Montana, Office of The Governor,

Helena, March 1, 1923.

The Speaker,  
House of Representatives,  
Helena, Montana.

I have the honor to advise you that I have this day signed the following House Bill:

No. 413—To Appropriate Money for Incidental Expenses of the Eighteenth Legislative Assembly of the State of Montana and for the salaries of the Officers and Attaches of the Same.

JOS. M. DIXON, Governor."

Moved by Gullidge, duly seconded and carried, that a committee of three be appointed to inform His Excellency the Governor that the House has completed its work and is about to adjourn sine die.

Moved by Gullidge, duly seconded and carried, that a committee of three be appointed to inform the Honorable Senate that the House has completed its work and is about to adjourn sine die.

Mr. Speaker appointed Pilgeram, Larsen of Sheridan and Ostby as the committee to notify the Governor.

Mr. Speaker appointed Swift, Armstrong, and Harris as the committee to notify the Senate.

The committee appointed to notify the Senate reported its duty accomplished and was thereupon discharged.

A committee from the Honorable Senate announced that the Senate had completed its work and was ready to adjourn.

The committee appointed to notify the Governor reported that the Governor had no further messages or communications and was thereupon discharged.

Moved by Gullidge, duly seconded and carried, that the 18th Legislative Assembly of the State of Montana do now stand adjourned sine die at 11:59 p. m. of the 60th day.

CALVIN CRUMBAKER, Speaker.

Attest: JAMES A. SHOEMAKER, Chief Clerk.











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